

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

FROM : Mr. A. H. Belmont

SUBJECT: PRETRIAL INTERVIEWS WITH
CURRENT AND DISCONTINUED
INFORMANTS BY DEPARTMENTAL
ATTORNEYS IN SECURITY CASES

DATE: May 18, 1955

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60267NIS/EP/OD

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SYNOPSIS:

EX-Communists AS WITNESSES R. 3

When preparing for Smith Act prosecutions in 1951, SAC Letter 51-97 was prepared. Among instructions given to the field in connection with interviews by Departmental attorneys with current and discontinued informants who were to be used as witnesses were the following:

(1) Informants should be introduced to Departmental attorneys under fictitious names; (2) Pretrial interviews should be conducted with full security, away from the field office or United States Attorney's office, if possible; (3) Informants should not be permitted to review their written reports during interviews by Departmental attorneys when preparations are being made for trial.

By memorandum dated 5-2-55, attached, it was recommended and approved that modifications be made in handling pretrial interviews with current and discontinued informants in any security type case as follows: (1) Informants will be introduced under their true names but the attorneys will be requested to protect this information; (2) The interviews will be conducted under only those security precautions deemed absolutely essential by the field office involved.

With respect to permitting informants to review their written reports during pretrial interviews with Departmental attorneys, it is noted the Department has been advised that the matter of whether or not informants review their reports is something to be decided by the Departmental attorneys. The Bureau will not make any comments or suggestions in this regard in order to avoid possible criticism by the Department of placing "unreasonable burden" on Departmental attorneys or that the Department is losing "valuable evidence" because the Bureau would not permit informants to review their reports.

Enclosures (2)

CC: MR. BOARDMAN
MR. BELMONT
MR. DISE

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PWD:baw
(4)

INDEXED - 83

16 JUN 7 1955

55 JUN 8 1955

EX-116

Memorandum from Mr. Belmont to Mr. Boardman
Dated May 18, 1955
Continued.

Recently in preparing for a hearing in a Subversive Activities Control Board case, a Departmental attorney stated he felt interviews with two former informants could be expedited if informants were permitted to review their reports. By memorandum dated May 12, 1955, attached, it was recommended the field advise the attorney that a decision as to whether the informant should review his reports should be made by the Department. The Director noted that this was agreeable but informant reports should not be shown to former informants unless we get a written memorandum from the Department directing it. In accordance with this notation, we will in the future request a written memorandum from the Department if the Department or a Departmental attorney feels that an informant should review his reports and requests that the informant be permitted to review these reports.

Occasions of this type should occur infrequently since it has been and will continue to be customary to make informant reports available for review by Departmental attorneys when they are preparing for interview with informants prior to trial. Up until this time, it has not been customary for the attorney to display the reports to the informant-witnesses.

Under date of May 2, 1955, we advised the Department the Bureau did not desire to be placed in a position of obstructing prosecution and we would leave to the discretion of the Department, desirability of allowing informant-witnesses to review their written reports. We stated that Bureau would prefer not to be consulted prior to showing of reports to informant-witnesses since the final decision to adopt such procedure is one which must be made by the Department. We stated that Bureau does not desire to share any part of responsibility of determination of which reports will be made available to informant-witnesses for review prior to trial.

RECOMMENDATION:

In view of the above modifications in Bureau policy regarding the handling of pretrial interviews with current and discontinued informants in security-type cases, it is recommended the attached SAC Letter be sent to the field advising of these modifications.

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55-36(0)
5-24-55

✓ MB off W JF
JFB

Ep. C. - Informants and witnesses

(O) PRETRIAL INTERVIEWS WITH CURRENT AND DISCONTINUED INFORMANTS BY DEPARTMENTAL ATTORNEYS IN SECURITY CASES -- Reference is made to SAC Letter 51-97 (B) V, "Informant's interview by U. S. Attorney." You are instructed to immediately place in effect the following modifications in policy regarding handling of pretrial interviews with potential witnesses by Departmental attorneys and United States Attorneys in all security-type cases: (1) Current and discontinued informants will be introduced to attorneys under true names. Attorneys will be thoroughly impressed with necessity to keep identities of informants confidential to protect further usefulness of informants. (2) Pretrial interviews with informants will be conducted under only those security precautions deemed absolutely essential by field office involved. (3) When request made by Departmental attorneys or United States Attorneys to permit informants to review written reports during pretrial interviews, field offices will make no recommendations or decisions in this regard. Attorneys will be advised decision as to whether or not informants review written reports in preparation for trial is one to be made by Department and they should be requested to contact Department since this matter has been the subject of discussion between the Department and the Bureau. If problem arises, field should furnish all details to Bureau at once.

Strict adherence must be had to above procedures.

Very truly yours,

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60261NIS/EP/DD

John Edgar Hoover

901890 Director

Attachment for (N)

5/24/55
SAC LETTER NO. 55-36

- 7 -

100-911725
NOT RECORDED
45 JUN 3 1955

53 JUN 13 1955

ORIGINAL FILED 6/24/55

OK
doc letter 55-36
5-24-55

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(M) ARTICLE RE INFORMANTS - BY ATTORNEY GENERAL BROWNEll -- There are being furnished to each field office 100 reprint copies of the article entitled "Shall Doors Be Opened to Spies and Subversives?" by Attorney General Herbert Brownell, Jr., which appeared in the April 29, 1955, issue of the "U. S. News and World Report." This article, containing substantial data concerning the necessity and value of the informant system, is especially pertinent in view of the current unwarranted attacks on this procedure. These reprints may be made available for public distribution if you so desire.

O Ex-Communist as witness

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ORIGINAL FILE # 66-
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45 JUN 3 1955

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53 JUN 13 1955

May 25, 1955

MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. BELMONT
MR. NICHOLS

EX-Communist RE WILDERNESS

With reference to a previous memorandum in which I made reference to a conference which I had with the Attorney General and the Deputy Attorney General, at which time the Attorney General indicated he thought it would be desirable before any Smith Act cases were initiated which would involve the disclosure of FBI informants that the matter be submitted to him for consideration, I desire to advise that at the Attorney General's staff conference at Quantico last week the Attorney General instructed that no Smith Act cases or any cases of internal security be initiated which would involve the disclosure of any FBI informants until such cases were submitted to him for consideration. He indicated that he would desire to have a conference with the Deputy Attorney General, the Assistant Attorney General in charge of Internal Security, and myself as Director of the FBI, before final decision should be made as to the disclosure of FBI informants.

I have taken occasion in briefing the conference on the work of the FBI to stress particularly the problem which was becoming more acute to the proper functioning of the FBI in the internal security field, namely, the disclosure of FBI informants in that field when the Department desired to utilize such informants, either in Smith Act cases; before the Subversive Activities Control Board; or in Immigration and Naturalization proceedings. As a result of my comments upon this subject, the Attorney General issued the above instructions.

Very truly yours,

John Edgar Hoover
Director

JUN 1 1955

100-418105

SENT FROM D. O.
TIME 6:10 AM
DATE 5-25-55
BY mgj

ALL INFORMATION CONTAINED
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DATE 10-14-99 BY 602167NIS/EP/00
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JEH:tlc (7)

68 JUN 2 1955

ORIGINAL COPY FILED IN 66-6161-144

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont

DATE: May 31, 1955

FROM : F. J. Baumgardner

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60267 NIS/EP/DD
901820

SUBJECT: DEPARTMENTAL COMMITTEE ON
SECURITY WITNESSES

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

The minutes of the meetings of the above Committee on May 17 and 19, 1955, have been received and reviewed.

Meeting of May 17, 1955

The Committee approved a proposed letter for the Deputy Attorney General's signature to all U. S. Attorneys regarding procedure to be followed by U. S. Attorneys in using former Communist Party members as witnesses.

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The Committee determined that dissemination of its conclusions regarding the use of prospective witnesses to U. S. Attorneys concerning Criminal Division cases should be accomplished by representatives of the Criminal Division on a need-to-know basis.

The use of [redacted] as a witness was deferred pending examination of the transcript of the state sedition trial of Steve Nelson in Pittsburgh during 1951. During that trial [redacted] is reported to have admitted on cross examination that in a deportation case against Nat Yanish in 1948 he had not told the truth regarding his association with the FBI. (It is recalled that [redacted] denied prior affiliation with the FBI and when questioned, stated that he had been told to maintain his relationship confidential and that therefore he had taken this action).

Meeting of May 19, 1955

It was stated that the Criminal Division is presently engaged in disseminating to all U. S. Attorneys copies of a letter putting into effect the system of security witness clearance that had been recommended to the Deputy Attorney General by the Committee and approved by him on May 18, 1955.

The Committee considered information concerning [redacted] and concluded that [redacted] may be used as a Government witness.

The Committee considered information concerning [redacted] and concluded that [redacted] may be used as a Government witness.

cc - Mr. Belmont

Mr. Baumgardner

Mr. McInturff

RECORDED

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6/8/55
12 JUN 1955
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(4) 6 JUN 15 1955

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Memo to Mr. Belmont

May 31, 1955

witness in any instance in which he is a desirable and material witness and what he will testify to is corroborated.

The Committee considered information concerning Louis Budenz and concluded that Budenz may be used as a Government witness.

The Committee's conclusion was that [redacted] may be used as a Government witness. [redacted]
[redacted]

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The Committee, after consideration of information concerning [redacted] concluded that [redacted] may be used as a Government witness.

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: June 13, 1955

FROM : MR. A. H. BELMONT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60261NIS/EP/DOSUBJECT: DEPARTMENTAL COMMITTEE ON SECURITY
WITNESSES

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Under date of May 20, 1955, a letter was transmitted to Deputy Attorney General Rogers, with copies to Assistant Attorneys General Olney and Tompkins, and the Commissioner, Immigration and Naturalization Service (INS), stating that it had been noted that the above committee was considering issuing instructions to have United States Attorneys check with local FBI field offices concerning former Communist Party members who are to testify as Government witnesses. Bulet May 20, 1955, pointed out that there is no objection to Department and INS personnel making such checks of our local field offices, but that it was felt more complete information may often be available at FBI Headquarters in Washington, D. C. It was suggested, therefore, that requests for information concerning prospective witnesses be submitted to FBI Headquarters rather than to local field offices of the FBI.

By letter dated June 3, 1955, the Deputy Attorney General furnished a copy of a letter sent to each U. S. Attorney on May 20, 1955, setting forth the procedure to be followed. This letter states that in any case in which the trial attorney knows or has reason to believe that an ex-Communist is to testify as a witness for the Government, the trial attorney should first obtain through the local FBI field office a central indices check on such witness, as well as a check of the local INS office. The cases of witnesses concerning whom derogatory information exists sufficient for the trial attorney to question the witness' reliability should be furnished to the Department with appropriate recommendation and in such instance the witness is not to be called to the stand without prior authorization from the Department. In his letter of June 3, 1955, the

Attachments - 2 *sent 6-17-55*

cc: Mr. Boardman

Mr. Belmont

Mr. Baumgardner

Mr. McInturff

RECORDED - 87

100-418105-45

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12 JUN 20 1955

EX-125

55 JUN 21 1955

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MEMORANDUM FOR MR. BOARDMAN

Deputy Attorney General points out that a check of the central indices of the FBI is required by the letter to the United States Attorneys dated May 20, 1955.

RECOMMENDATIONS:

1. It is recommended that the field be alerted to the fact that requests may be received from United States Attorneys concerning ex-Communists to be called as witnesses for the Government. The field is being instructed to furnish the names and identifying data of such persons to the Bureau by airtel or teletype so that a check of the Bureau's indices can be made promptly. Thereafter, pertinent information will be furnished by the Bureau to the interested division of the Department, as well as to our local field office for transmittal to the interested United States Attorney. If you approve, there is attached a letter to all SACs to this effect.

 2. There is also attached a letter to Deputy Attorney General Rogers, with one copy each to Assistant Attorneys General Olney and Tompkins, and Commissioner, INS, advising them that our field offices are being instructed along the above line. It is also being pointed out that the Bureau has noted in minutes of the above committee the names of certain prospective witnesses concerning whom no identifying data is given and in the absence of a specific request, no effort is being made to search our files concerning persons so listed in the minutes.

- 2 -

~~CONFIDENTIAL~~

CC: MR. BOARDMAN
MR. BELMONT
MR. BAUMGARDNER
MR. MC INTURFF

Mr. William P. Rogers
Deputy Attorney General

June 14, 1955

Director, FBI

RECORDED-99 60-448105-46
DEPARTMENTAL COMMITTEE
ON SECURITY WITNESSES

DECLASSIFIED BY 60267 NIS/EP/DO
ON 10-14-99

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Reference is made to your memorandum of June 3, 1955, enclosing a copy of a letter sent to each United States Attorney on May 20, 1955, setting forth the procedure to be followed in requesting information concerning ex-Communists who are being considered as Government witnesses.

For your information, the local field offices of the FBI have been instructed to handle all such requests for information by United States Attorneys expeditiously and pertinent information from this Bureau's files concerning prospective witnesses will be furnished to the requesting United States Attorney through our local field office, as well as to the interested division of the Department.

It has been noted in the past that in minutes of the meetings of the above committee, certain individuals have been named as being considered as prospective witnesses by the various divisions of the Department. In the absence of a specific request for information concerning such individuals named, this Bureau will assume that it will not be necessary to furnish information from our files concerning such individuals. Should any division of the Department desire information from our files concerning any prospective witness, it is suggested that sufficient identifying data be included in the request to permit a thorough search of our files.

cc: Assistant Attorney General
Warren Olney III

cc: Assistant Attorney General
William F. Tompkins

cc: Commissioner
Immigration and Naturalization Service

GFMc:de (10) COVER MEMO: Mr. Belmont to Mr. Boardman dated 6/13
Same re, initials

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cc: Mr. Boardman Mrs. Belmont Mr. Stanley
Mr. Nichols Mr. Rosen Mr. Sutthoff
Mr. Malley

Assistant Attorney General
William F. Tompkins

~~CONFIDENTIAL~~ July 1, 1955 G.I.R.-A

RECORDED - 30
INDEXED - 5

Director, FBI
100-418105-47

EX-COMMUNISTS AS WITNESSES

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Reference is made to your memorandum dated June 15, 1955, requesting that the Internal Security Division be furnished a list of Loyalty and Security of Government Employees cases in which information obtained from [redacted] appears in the investigative reports. Further reference is made to this Bureau's memorandum dated June 21, 1955, in which it is noted that a list furnished to the Department on March 2, 1955, identified pertinent cases containing information furnished by Harvey Marshall Matusow and [redacted]

Attached are two copies of a list of thirteen investigations under Executive Orders 9835 and 10450 in which reports contain information furnished by [redacted]. Set forth in the list are the specific reports involved and the T symbols used to conceal [redacted] identity. In the event other cases pertinent to your inquiry are located in the future, you will be advised of the same.

In connection with this matter, your attention is invited to this Bureau's memorandum dated April 26, 1955, and captioned "Civil Rights Congress; Internal Security - C, Internal Security Act," setting forth information with respect to the reliability of data furnished by [redacted] while an informant of this Bureau.

VENICE,
BY MAIL

Enclosures (2)

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cc: (1) 100-351082

JRS:baj
(11)

Cover Memo Stanley to Rosen, same caption, 7/1/55, JRS:baj

ALL INFORMATION CONTAINED
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DATE 04-09-2010 BY [redacted]
HSK/DP

CONFIDENTIAL MATERIAL ATTACHED

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WHERE SHOWN OTHERWISE

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UNRECORDED COPY FILED 100-351082-1

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

~~CONFIDENTIAL~~

July 1, 1955

DECLASSIFIED BY 60267 NIS/EPDO
ON 10-14-99

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CASES PERTAINING TO INVESTIGATIONS CONDUCTED
UNDER EXECUTIVE ORDERS 9835 AND/OR 10450,
IN WHICH REPORTS CONTAIN INFORMATION
FURNISHED BY FORMER CONFIDENTIAL INFORMANT

[redacted]

aka [redacted]

Housing and Home Finance Agency; Public
Housing Administration; New York, New York; Security of Government
Employees (SGE). (Bureau file 121-3897) Reports in this case
were disseminated to the Department and to the Civil Service
Commission by memoranda dated March 26, 1954. By memorandum
dated January 31, 1955, the Civil Service Commission advised
that [redacted] was "retained."

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The report of Special Agent (SA) Robert E. Russell,
dated March 16, 1954, at Los Angeles, California, contains
information emanating from [redacted] who is identified in
the report as Confidential Informant Los Angeles T-38. X(W)

(NOTE: Info from [redacted] used to document LA Committee to Secure
Justice in the Rosenberg Case (LACSJRC), and to document individuals
[redacted] other
Department of Justice; Los Angeles, California; SGE. (Bureau file 121-9447) Reports in this case were disseminated to the [redacted]
Department and to the Civil Service Commission by memoranda dated
March 31, 1954. By memorandum dated February 2, 1955, the
Civil Service Commission advised that [redacted] was "retained."

The report of SA James F. Brent, dated March 16, 1954,
at Los Angeles, California, contains information from [redacted] who
is identified in the report as Confidential Informant Los Angeles
T-29. X(W)

(NOTE: [redacted] info used to document relative of employee and
LACSJRC.)

3. ANNETTE SELIG, nee Annette Silverberg; Bureau of
Internal Revenue, U. S. Department of the Treasury; Los Angeles,
California; Loyalty of Government Employees (LGE). (Bureau
file 121-18941) Reports in this case were furnished to the
Department and to the Civil Service Commission by memoranda
dated August 9, 1949, August 4, 1950, and October 5, 1953. By
memorandum dated November 6, 1950, the Civil Service Commission
(CSC) advised that Mrs. Selig was "eligible on loyalty."

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Gandy _____

JRS:mlb/mf ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT FOR
REASON-FCIMNT, 1-2.4.2
WHERE SHOWN OTHERWISE. CLASS. & EXT. BY 8-5-50
DATE OF REVIEW 8/5/90

NOTE: See cover memo from Stanley to Rosen, dated 7-1-55.

ENCLOSURE

JRS:baj

+ 11 CASES / 100-418105-47
CONFIDENTIAL
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The report of SA John F. Tharp, dated September 22, 1953, at Los Angeles, California, contains information furnished by [redacted] whose identity is concealed in the report under the symbol Confidential Informant/Los Angeles T-13. X(U)
(NOTE: [redacted] info used to document [redacted] and LAC SJRC.)

[redacted] nee [redacted] aka [redacted]
Depot, Department of the Navy; San Pedro, California; SGE. (Bureau file 121-31902) Reports in this case were disseminated to the Department and to the CSC by memoranda dated October 8, 1951, August 26, 1952, and October 30, 1952. By memorandum dated June 25, 1953, the CSC advised that [redacted] was "ineligible and dismissed on loyalty." The report of SA Wayne H. Webb, dated September 16, 1952, at San Francisco, California, contains information from [redacted] who is identified in the report as Confidential Informant/San Francisco T-1. X(U)
(NOTE: [redacted] info used to document an associate of the employee)

5. [redacted]
12th U. S. Civil Service Region, U. S. CSC; San Francisco, California; SGE. (Bureau file 121-41891) Reports in this case were furnished to the Department and to the CSC by memoranda dated June 8, 1953, and April 28, 1954. By memorandum dated December 6, 1954, the CSC advised that [redacted] was "not appointed for reasons other than unfavorable report."

The report of SA Vernon G. Buegler, dated May 14, 1953, at Los Angeles, California, contains information emanating from Brown, who is concealed in the report under the informant symbol Los Angeles T-4. X(U)
(NOTE: [redacted] information used to document individuals other than employee. Report reflects that Brown advised he did not know the employee.)

[redacted] Department of the Navy; Los Angeles, California; SGE. (Bureau file 121-44606) Reports in this case were furnished to the Department and to the CSC by memoranda dated August 7, 1953. By memorandum dated March 8, 1955, CSC advised that [redacted] was "separated...reduction in force July 29, 1954."

The report of SA John F. Tharp, dated July 14, 1953, at Los Angeles, California, contains information from [redacted] identified in the report as Confidential Informant/Los Angeles T-10. X(U)
(NOTE: [redacted] info used to document reference of employee and the LAC SJRC.)

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aka

Headquarters,

Sixth Army; Presidio, San Francisco; SGE. (Bureau file 140-4289) Reports in this case were furnished to the Department and the CSC by memoranda dated July 29, 1954. By memorandum dated April 20, 1955, the CSC advised that [redacted] was given a "favorable determination."

The report of SA James A. Mills, dated June 11, 1954, at Los Angeles, California, contains information from [redacted] whose identity is concealed in the report under the Informant symbol Los Angeles T-11. X(U)
(NOTE: [redacted] info used to document LAC SJRC.)

8.

[redacted] aka [redacted]

Post Office Department; Los Angeles, California; SGE. (Bureau file 140-4831) Reports in this case were furnished to the Department and to the CSC by memorandum dated July 30, 1954. To date, no disposition has been received from the CSC.

The report of SA William G. Carpenter, dated July 22, 1954, at Los Angeles, California, contains information furnished by [redacted] who is concealed in the report as Confidential Informant Los Angeles T-14. X(U)
(NOTE: [redacted] info used to document an organization. Report reflects [redacted] did not know employee.)

9.

Post Office Department; Pittsburgh, Pennsylvania; SGE. (Bureau file 140-5047) Reports in this case were furnished to the Department and the CSC by memoranda dated September 24, 1954. By memorandum dated January 14, 1955, the CSC advised that [redacted] was "retained."

The report of SA James A. Mills, dated August 6, 1954, at Los Angeles, California, contains information emanating from [redacted] who is identified in the report as Confidential Informant Los Angeles T-11. X(U)
(NOTE: [redacted] info used to document [redacted] and the LAC SJRC.)

10.

Agricultural Research Service; Department of Agriculture; Los Angeles, California; SGE. (Bureau file 140-5130) Reports in this case were furnished to the Department and the CSC by memoranda dated September 10, 1954. To date, no disposition of this case has been received from the CSC.

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The report of SA James A. Mills, dated August 13, 1954, at Los Angeles, California, contains information originating with [redacted] whose identity is concealed in the report under the designation of Confidential Informant Los Angeles T-9. X (U)
(NOTE: [redacted] info used to document [redacted] and the LACSJRC.)

11. ROBERT BOYD POWERS; Clerk - Stenographer, Department of Agriculture, Yuma, Arizona, SGE. (Bureau file 140-5202) Reports in this case were furnished to the Department and the CSC by memoranda dated October 4, 1954. To date, the CSC has furnished no disposition of this case.

The report of SA James F. Brent, dated August 31, 1954, at Los Angeles, California, contains information furnished by [redacted] who is identified in the report as Confidential Informant Los Angeles T-11. X (U)
(NOTE: [redacted] info used to document an association of employee.)

12. [redacted] aka [redacted] Veterans Administration, Los Angeles, California, SGE. (Bureau file 140-5274) Reports in this case were furnished to the Department and the CSC by memoranda dated October 25, 1954. By memorandum dated May 11, 1955, the CSC advised that [redacted] "resigned before determination was completed (on) 3-24-55." The information furnished by the CSC indicated that [redacted] resignation was not submitted upon presentment of charges.

The report of SA James F. Brent, dated September 17, 1954, at Los Angeles, California, contains information emanating from [redacted] whose identity is concealed in the report under the designation of Confidential Informant Los Angeles T-8. X (U)
(NOTE: [redacted] info used to document individuals other than the employee as well as LACSJRC.)

13. [redacted] aka [redacted]

[redacted] Post Office Department, Los Angeles, California, SGE. (Bureau file 140-6451) Reports in this case were furnished to the Department and the CSC by memoranda dated January 7, 1955. To date, no disposition has been received from the CSC.

The report of SA Robert E. Russell, dated December 6, 1954, at Los Angeles, California, contains information furnished by [redacted] whose identity is concealed in the report under the informant symbol Los Angeles T-3. X (U)
(NOTE: [redacted] info used to document LACSJRC.)

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NOTE: Information from [redacted] also noted in the following cases,
reports of which were not disseminated due to termination of
employment.

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14. [redacted], aka; Veterans Administration;
SGE. (Bureau file 140-4669) Los Angeles report 7-14-54, contained
info from [redacted] (LA T-7). Info used to document LACSJRC.

15. [redacted] U. S. Post Office; SGE.
(Bureau file 140-7060) Los Angeles report 12-27-54, contains
info from [redacted] (LA T-5) [redacted] Info used in documentation.

~~CONFIDENTIAL~~

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~~CONFIDENTIAL~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont *AP*

FROM : Mr. F. J. Baumgardner *RF*

SUBJECT: DEPARTMENTAL COMMITTEE ON SECURITY WITNESSES

DATE: June 16, 1955

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60267 NIS/EP/OD
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The minutes of the meetings of the above committee on May 24 and 31, and June 7, 1955, have been received and reviewed.

May 31, 1955

The committee considered and revised a memorandum prepared for the signature of Mr. Rogers in response to the Bureau's memorandum of May 20, 1955. (The Bureau's memorandum of May 20, 1955, had suggested that any name checks concerning witnesses be submitted to FBI headquarters rather than local field offices so that complete information could be furnished to the interested trial attorneys or INS personnel. The Deputy Attorney General's memorandum has been received and a proposed reply prepared and sent through for approval.)

The committee was advised that a letter to all United States Attorneys putting into effect the system of security witness clearance recommended by the committee had been disseminated on May 20, 1955. (A copy of this letter has previously been received and an appropriate memorandum and SAC Letter prepared.) The committee decided that it would not be necessary for trial attorneys to check with INS concerning witnesses whose identity is closely held until the moment of testimony. (This would include FBI security informants exposed, for instance, in Smith Act trials.)

June 7, 1955

The committee considered its discussion with the Attorney General on June 2, 1955, when he requested that the committee consider the actions to be taken on employee security cases where Matthew Cuetin Harvey Matusow, [redacted] and [redacted] had furnished information. The committee decided that the Internal Security Division will

cc - Mr. Belmont
cc - Mr. Baumgardner
cc - Mr. McInturff *ED. 73*

GFM:dae

(4)

85 JUN 24 1955
F-61

100-44105-48-5

12 JUN 22 1955

E-116

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J

Memorandum from Mr. Baumgardner to Mr. Belmont

submit to the committee its recommendation of action to be taken in all employee security cases wherein FBI reports reflected these individuals had furnished adverse information on any employees. The committee decided that these reports should be furnished to the committee as completed.

Mr. Irons advised the committee that he had addressed a memorandum to the Assistant Attorney General, Internal Security Division, relative to possible employment of [redacted] and that copies would be furnished to other members of the committee.

ACTION:

Under date of June 15, 1955, Assistant Attorney General William F. Tompkins requested a list of the Loyalty and Security of Government Employees cases in which information obtained from [redacted] appears. The Employee Security Section is presently compiling such a list, compiled by Los Angeles, re cases in which [redacted] furnished information. The Department has previously been advised of the desired information re [redacted]

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[Handwritten signatures and initials: JRS, MZK, PMA, and initials A.F. Below these are initials J.W. and a checkmark.]

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: April 28, 1955

FROM : Mr. A. H. Belmont

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 6007NIS/EP/DD
901820SUBJECT: INFORMANTS USED AS WITNESSES IN
SECURITY CASESSYNOPSIS:

The attached newspaper clipping from the "Newark Evening News" dated April 22, 1955, was prepared by Arthur Sylvester, Washington correspondent of the "Newark Evening News." It reflects that Justice Department trial lawyers are sympathizing with the United States Supreme Court at being blocked from examining secret information as a result of "involved procedures" imposed by the FBI. The Supreme Court allegedly expressed surprise to learn from Assistant Attorney General (AAG) Warren E. Burger that they were not free to look at certain information considered material in the appeal of Dr. John P. Peters whose loyalty case is before the Supreme Court. When requested to produce information by the court on which the Government had acted, Burger insisted this was part of the issue in the Peters case and a presidential order would be required to release the information outside the executive branch. Justice Frankfurter asked Burger what consideration of public security justified the Government in withholding the names of witnesses on whom it relies.

According to Sylvester's article, this same question was echoed by "a Justice Department lawyer who recently had to prosecute a case involving loyalty information under circumstances made fantastically difficult by FBI demands for what amounted to cloak-and-dagger methods." (The identity of this attorney is not known to the Bureau.) This Departmental attorney said he had never experienced anything like it in his life and he thought Attorney General Brownell would be forced to "put a curb on Hoover's nonsense."

Enclosure sent 4-29-55

cc: Mr. Nichols
Mr. Boardman
Mr. Belmont
Mr. Baumgardner
Mr. Reddy

EBR:nbs:imd

(6)

65 JUN 28 1955

RECORDED-99

EX-106

5/2/55 Belmont memo
Belmont to Boardman 4-29-55
Boardman mid 100-41840 Sub 4-29-55
6 JUN 28 1955
5628

The attorney described how he was assigned to a case and instead of being aided by the FBI in preparing the case, he found his work more difficult. He said informants are identified by symbols and numbers from which an attempt is made to figure out which of the witnesses should be interviewed. A request is made to the Bureau for interviews with these witnesses and "If he (Director Hoover) sees fit to grant the request arrangements are made for you to meet the proposed witness." Thereafter the Government attorneys must meet the witnesses under assumed names and the meetings are arranged not in a Justice Department office, but in some outside locality or an automobile. The attorney also states the witnesses cannot be interviewed without a Bureau Agent always being present although he does nothing to help organize the case or the material.

Burger advised Justice Frankfurter the FBI is secretive with its own informants since some of these individuals decline to provide information to the FBI unless assured their identities will not be disclosed.

POLICY REGARDING INTERVIEWS WITH INFORMANTS:

The Bureau's policy with reference to making potential witnesses available for interview by Government attorneys in security-type cases has been followed since the first New York Smith Act trial in 1949 and the procedure involved has been discussed on numerous occasions with Departmental officials and attorneys. All investigative reports and prosecutive summary reports are made available to the Department in security-type cases and T symbols are used only where it is absolutely necessary to protect the informant or source. All information furnished by the informants and sources is, of course, included in the reports. The procedure is as follows:

1. The Department reviews the reports to see if there is a case based on the information developed during the investigation. If so, the Department selects from the reports those T symbol informants who appear to be desirable or necessary witnesses and inquires of the Bureau as to the availability of these T symbol informants.

2. The Bureau's reply to the Department may fall within any of the following groups:

(a) If the informant is a current, valuable informant whose exposure would seriously impair security coverage in the field office involved, the Department is advised that this informant is not available for interview. If the Department subsequently states that the informant is absolutely essential to a successful prosecution, we reconsider and re-evaluate the situation and, where possible, we make the informant available.

(b) If the informant has been discontinued but has not been exposed as a former Bureau informant, the Department is advised that he is available for interview under appropriate security precautions. His name is not disclosed at this point since the Department may ultimately decide not to utilize him.

(c) If the informant has been discontinued and exposed as a former Bureau informant, his identity is furnished to the Department and the Department is advised that he is available for interview.

(d) If the T symbol represents an individual who has never been a confidential informant of the Bureau but who requested that his identity be kept confidential, he is first contacted by a Bureau Agent to determine his willingness or unwillingness to be interviewed by Government attorneys. If he is willing to be interviewed, his name and the fact that he is available for interview are made known to the Department. If he does not desire to be interviewed, the Department is advised that he is unavailable.

3. The interviews with current informants and discontinued informants who have not been exposed are conducted under security precautions in a hotel room,

I think
this
should
be
changed

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4/29

Bureau car, a motel, or any other place where complete security is assured in order that the Communist Party may not learn of the informant's cooperation with the Bureau thus preserving him as a surprise witness should he actually testify. The element of surprise has been most effective in Smith Act trials since the defense does not have the opportunity to delve into the background of the witness for cross-examination purposes. An intensive and continuing campaign is conducted by the Communist Party in an effort to uncover FBI informants. The Bureau has actual knowledge that the Communist Party places its own members under surveillance in an attempt to ferret out Bureau informants. Unless, therefore, interviews between informants and Government attorneys are conducted with the utmost security as to location and timing, our informant will be uncovered. The informant is introduced under an alias solely to protect the informant's identity and future value in the event the Department decides not to utilize him as a witness. Departmental attorneys have actually orally stated that they do not want to know the identity of the informant until they decide to use him as a witness since the Departmental attorneys do not want to be burdened with this additional security responsibility. Should the informant be introduced by his true name and then not used as a witness, the interviewing attorney would have the benefit of this knowledge should he leave the Department and might use such information to the detriment of the Government.

4. A Bureau Agent (usually the Agent who handles the informant) is present during the interview with the informant by Government attorneys solely to introduce the informant to the attorneys and to put him at ease. The Agent does not assist in the interview since this is strictly a matter for Government attorneys to handle.

With respect to the attorney's remark that the Bureau furnishes a summary of what each witness can testify to, the witnesses being identified by symbols and numbers, as well as an evaluation of the credibility which ranged from "good" to "bad," it is noted the Bureau does furnish the Department with prosecutive summary reports. These reports set out data to which witnesses can testify and informants are identified by T symbols. We do characterize informants as to reliability and when the Department indicates it is contemplating using an informant as a witness, we do furnish to the Department all adverse information bearing on the informant's credibility. Further, if at the Department's first inquiry there appears to be some outstanding adverse data which would obviously make an informant undesirable as a witness, the Department is so advised.

It is noted that the newspaper article reflects that the Justice Department attorney allegedly involved "recently had to prosecute a case involving loyalty information under circumstances made fantastically difficult by FBI demands for what amounted to cloak-and-dagger methods." The alleged attorney goes on to state: "Now, if Mr. Hoover decides you may talk with the government witness you have asked to see, it probably won't be in a Justice Department office. Oh no! You will have to meet him in a motel in Maryland or Virginia, or in an automobile just outside the District of Columbia line.

Although from our knowledge of recent internal security prosecutions this does not appear to be an actual case, the Baltimore, Richmond, and Washington Field Offices have been instructed to immediately advise the Bureau whether there has been a recent case in which a Government attorney had occasion to interview a Bureau informant as described in the attached article.

OBSERVATIONS:

Messrs. Tompkins, Foley and Hall of the Department have in no manner ever expressed disagreement with the Bureau's procedure in these matters. In fact, Messrs. Foley and Hall, with whom we have dealt for the most part in connection with Smith Act prosecutions, have, on a number of occasions, expressed their appreciation for the assistance rendered by the Bureau and the manner in which we have handled these cases.

Whoever made the statements in the article in the "Newark Evening News" is either ignorant of the facts or is purposely seeking to undermine the Bureau's necessary security procedures. In our opinion, not a single statement made by the attorney holds water. These procedures have stood the test of numerous successful cases and it is believed we are sound in taking a strong position in this matter.

RECOMMENDATION:

It is recommended that the attached memorandum be forwarded to the Attorney General with copies designated for Deputy Attorney General Rogers, Assistant Attorney General Tompkins, and Assistant Attorney General Burger.

OK.

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Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: May 2, 1955

FROM : Mr. A. H. Belmont

SUBJECT: INFORMANTS USED AS WITNESSES
IN SECURITY CASES

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

SYNOPSIS:

Reference is made to my attached memorandum dated April 28, 1955, concerning the critical statements allegedly made by a Departmental attorney concerning the procedure in making informants available for interview by Government attorneys. The Director noted that he was not at all satisfied with our handling of this project and that he felt the Bureau took an entirely too extreme and arbitrary attitude in denying availability of informants.

In the future we will discontinue introducing current informants to Government attorneys under an alias but will use their true names. We will, of course, impress upon the attorneys the necessity of protecting the informant's true name since premature disclosure of the identity of an informant will prevent his continued use as an informant if he is not used as a witness and will preserve the surprise element in his testimony if he is actually used.

It is also felt that for the same reasons we must continue to use certain security precautions in setting up the interviews with current informants. We will, in the future, instruct the office setting up the interview to use only such security precautions as are absolutely essential.

With reference to making current informants available for interview and testimony, we will continue to most carefully evaluate all requests from the Department and will continue to stress to the field the absolute necessity of developing witnesses to supplant the anticipated testimony of current informants whom the Bureau has made available for

cc: Mr. Boardman
Mr. Belmont
Mr. Baumgardner
Mr. Reddy

RECORDED-55

100-418108-50

INDEXED-55

6 JUN 24 1955

EBR:nbs 76 ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
(5) DATE 10-14-99 BY 60261NHS/EP/100 EX-108

901820

5 EBR

60 JUN 28 1955

testimony. In this connection, it is noted that with very few exceptions, the Bureau has in the past and will continue in the future to make available for interview and testimony those current informants whom the Department advises are absolutely essential to a successful prosecution. The Bureau has to date released 33 current informants for testimony in 13 Smith Act trials. We have refused to make available such extremely highly placed informants as [redacted] for testimony in a possible Newark Smith Act trial and we will similarly refuse to make available Chicago Informant CG-5824-S in connection with a current inquiry from the Department relative to a proposed Smith Act trial in Chicago. Confidential Informants [redacted] CG-5824-S, and NY-694-S are the three most highly placed Bureau informants in the security field. They were developed over a long period of time and they simply cannot be replaced.

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With reference to our attempt to identify the alleged attorney who made the critical statements which appeared in the "Newark Evening News" including the statement that he "recently had to prosecute a case involving loyalty information under circumstances made fantastically difficult by FBI demands for what amounted to cloak-and-dagger methods" and "now, if Mr. Hoover decides you may talk with the Government witness you have asked to see, it probably won't be in a Justice Department office. Oh no! You will have to meet him in a motel in Maryland or Virginia, or in an automobile just outside of the district line," we have checked with the Baltimore, Richmond, and Washington Field Offices. The Richmond and Washington Field Offices advised that they have never had a current informant interviewed under security precautions by a Departmental attorney or United States Attorney. The Baltimore Office has had no recent cases but this office did set up 16 interviews in 1951 and 1952 in connection with the Baltimore Smith Act trial. Ten of these interviews were conducted in the office of the United States Attorney in Baltimore and in these instances the informant was introduced under his true name. The remaining six were conducted as follows:

1. [redacted]. True name used. Interviewed January 2, 1952, in Coffee Shop of Lord Baltimore Hotel by Departmental Attorney George Anastos and a Bureau Agent.

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2. [REDACTED] True name used. Interviewed January 18, 1952, in New York hotel by Departmental Attorney George Anastos and an Agent of the New York Office. Interviewed February 27, 1952, and February 28, 1952, in New York hotel by Departmental Attorney Richard Alfriend.

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3. Former Confidential Informant [REDACTED] Introduced under alias. Interviewed December 13, 1951, December 28, 1951, and January 8, 1952, by Departmental Attorney Kevin Maroney and Bureau Agent in Bureau automobile in Baltimore and at informant's home.

4. Former Confidential Informant [REDACTED] Introduced under alias. Interviewed December 19, 1951, at Baltimore hotel by Departmental Attorney George Anastos and Bureau Agent.

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5. Current Confidential Informant [REDACTED] Introduced under alias. Interviewed on seven occasions in January, 1952, by Departmental Attorneys Kevin Maroney and George Anastos in a Bureau automobile, a Baltimore hotel, and in the Baltimore Field Office.

6. Former Confidential Informant [REDACTED] Introduced under alias. Interviewed December 19, 1951, December 20, 1951, and January 5, 1952, at office of the United States Attorney, Baltimore, by Departmental Attorney Kevin Maroney and Bureau Agent.

It has been determined that George Anastos and Richard Alfriend are no longer employed by the Department. Kevin Maroney is still employed as an attorney in the Subversive Activities Section.

Since the attorney allegedly involved in this matter referred to "a recent case involving loyalty information," a check was made with the Bureau's Security of Government Employees Section and it was ascertained that there have been no recent cases in this section involving an interview of an informant by Government attorneys wherein the informant was introduced under an alias or the interview was conducted under security precautions..

OBSERVATIONS:

There appears to be at least three approaches the Bureau might take in an effort to identify the alleged Departmental attorney who made the critical statements to Arthur Sylvester of the "Newark Evening News" but it is not believed desirable to pursue any of these approaches at this time:

1. Make direct inquiry of the Department.
2. Interview Arthur Sylvester.
3. Conduct an investigation of Sylvester to determine the identities of his contacts in the Department.

RECOMMENDATIONS:

1. If you approve, we will in the future take the following action in setting up interviews between informants and Government attorneys:

1. The informants will be introduced under their true names but the attorneys will be requested to protect this information.

2. The interviews will be conducted under only those security precautions deemed absolutely essential by the field office involved.

3. When the Department inquires as to the availability of a valuable current informant, we will point out the informant's value in furnishing security coverage and should the Department classify the informant as an essential witness, he will be made available for interview. We will then leave entirely to the Department the decision as to whether the informant will be used as a witness. We will continue, however, to list as unavailable only the very few informants who are extremely highly placed and who are furnishing information on a national level which is not available through other informants or sources.

ADDEN DUM - A. H. Belmont:LL - May 3, 1955

I think each case should stand on its merits, to be considered according to the needs and importance of the case and the value of the informant; otherwise, the Department will bleed us absolutely white and will use all of our informants they can get. We have fundamental intelligence and Security Index responsibilities, as well as responsibilities for Smith Act trials. I think we should make every effort to avoid any implication from the Department that we are hindering prosecutions, but also we should not accede to arbitrary and unnecessary requests from the Department.

Agree ✓
5/4
1. J. C. Spaulding advised
- 5 - met today he has identified
attorney in his Division
who to speak to in Boston
but would tell you whom
he is. K.

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: July 12, 1955

FROM : SAC, Detroit
SUBJECT:DISCONTINUED INS INFORMANT INFORMATION CONCERNING
OO: CincinnatiALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 6087NISIEP/DO

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Reference is made to Bureau letter to Boston dated April 25, 1955, captioned "INFORMANTS AND WITNESSES, INS", with copies to Detroit requesting Detroit Office to contact local Immigration and Naturalization Service (INS) to determine reason why INS has listed the persons included on a list attached to referenced letter as being either unreliable or of questionable credibility.

On June 17, 1955, DONALD WILLIAMS, Officer in Charge of Investigations, INS, Detroit, made available to SA J.E. SULLIVAN, the local INS file on [redacted]

A review of this file disclosed a letter dated May 18, 1955, from INS, Cincinnati, to the FBI, Cincinnati (Cincinnati FBI File Number 100-1631). This letter advised [redacted] was now considered by INS to be unreliable and of questionable credibility.

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The letter continued, "This determination is based on several interviews with the Subject by a representative of this Service.

"Subject has failed to identify several persons with whom he is alleged to have been closely associated in the Communist Party. He has been very vague about dates and events and it is believed that his failure to identify persons with whom he was alleged to have been associated in the Communist Party is due to his mental and physical condition, and in a deliberate effort on his part to evade testifying."

No identification references relating to [redacted] were located in a search of the Detroit Indices of the FBI.

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(4)

RECORDED - 88

100-416105-51

INDEXED-88

EX-113

58 AUG 9 1955

FD-36

4-22 (6-15-55)

Federal Bureau of Investigation
Records Section

1955

Name Check Unit - Room 6523

~~Attention~~

Service Unit - Room 6524

Forward to File Review

Return to _____ Ext. _____

Supervisor

Room ~~ALL INFORMATION CONTAINED~~

~~ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED~~

A11 References, ATE 10-14-99 BY boobykins/EP/DD
Subversive References 2019-02

Subversive References 401890

Main References Only

Restrict to Locality of Position

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Exact Name Only

Exact Spelling

Check for Alphabetical Loyalty Form

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SUBJECT

Address

JUL 27 1968

Localities

Birthdate & Place

55

~~Date & Place~~ ~~SEARCHED~~ ~~INDEXED~~ ~~SERIALIZED~~ ~~FILED~~
~~TOP~~ ~~SS~~ ~~SEARCHED~~ ~~INDEXED~~ ~~SERIALIZED~~ ~~FILED~~ Searcher Initials ~~J. DAW~~
FILE NUMBER ~~66~~ SERIAL ~~6~~

Searcher

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SERIAL

✓	100 - 8558 (main file)
✓	62 - 34781 - 1032, En-1
NR	31 - 42785 (1100 ⁸ 6)
NI	31 - 46477 - 1 n050 ⁸
✓	100 - 19106 - 32, P.51, 59,
NI	65 - 25610 - 670
LTH	
NR	26 - 21381 (1150 ⁸)
✓	100 - 14242 - 17, 26, 0-6; 2.5,
✓	100 - 14700 - 6
✓	100 - 14814 - 7
✓	100 - 14822 - 5
NI	7 - 1830 - 16850
NI	100 - 235070 - 266
✓	100 - 105431 - 1 16
✓	100 - 10137026 - 24, 1 100-955
ST	100 - 10078798 - 19
ST	100 - 108337 - 6
✓	100 - 9378 - 11
✓	100 - 9626 - 980, 1244, 1

4-22 (6-15-55)

Federal Bureau of Investigation
Records Section

, 1955

	Name Check Unit - Room 6523
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	Service Unit - Room 6524
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	Supervisor
	Room _____

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	Subversive References
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Localities _____
Birthdate & Place _____
R# (508) Searcher _____ Date 7-3-1955 Initial S.204
FILE NUMBER SERIAL

LTL		
SI	100-791393-4	
SI	100-1092550-16	
A	100-19537426-22	
SI	100-19607-14	
SI	100-322703-17	
T	100-14243-6	✓ ✓
✓ SI	100-21532. P.25. 167, 690	
G	100-105-2	
SI	100-8552460. 119.	
V	105-19111-2	
SI	100-107586-356. P.33;	
SI	100-105-14. 19.	
✓	101-7347-26. P.16	
N1	100-56334-2	101508.
LTL		
NI	100-79494-127	
NI	71-3386-26-12. Encl P. 9	
		MR

4-22 (6-15-55)

Federal Bureau of Investigation
Records Section

, 1955

Name Check Unit - Room 6523
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 Service Unit - Room 6524
 Forward to File Review
 Return to _____ Ext. _____
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All References
 Subversive References
 Main _____ References Only
 Restrict to Locality of _____
 Breakdown Buildup Variations
 Exact Name Only
 Exact Spelling
 Check for Alphabetical Loyalty Form

SUBJECT
 Address _____ b6
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Localities _____
 Birthdate & Place _____

R# 509 Date 7-20 Searcher Initial S.adc
 FILE NUMBER SERIAL

LTL			
NI	62-62736 sub 5-425		
NI	12-0-3266		
NI	86-755-7 (R509)		
NI	61-7586-324		
NI	104-4532-1		
NI	26-220821 (R509)		
LTL		(van)	
	100-58203-2		
SI	100-22528		
	100-68-2		
X	61-10498-1042		
SI	100-32487-11		
SI	100-22-29446		
NI	62-75147-24-29, Empl P.2		
X	100-16 sub 11-8		
SI	100-16-700, P.24		
	(van)		
NR	25-161846		

EX-COMMUNIST AS WITNESSES

(j) GOVERNMENT WITNESSES - SECURITY MATTERS -- SAC Letter No. 55-15 advised of absolute necessity of furnishing Bureau any information reflecting adversely upon credibility of a witness being considered in any trial or hearing involving Bureau case arising directly or indirectly out of subversive affiliation or activity.

For your information, Department under date of May 20, 1955, in letter to all United States Attorneys has issued instructions that in any case in which trial attorney knows or has reason to believe that an ex-Communist is to testify as witness for Government, trial attorney shall first obtain through local FBI field office a central indices check on such witness. It is pointed out that requests may be received by your office in non-Bureau as well as Bureau cases arising out of subversive activity or affiliation.

6/21/55

SAC LETTER NO. 55-10

- 7 -

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 8/10/83 BY SP8 BTS/BCE

Such requests must be expeditiously handled and the Bureau advised promptly upon receipt of such requests, utilizing airtel or teletype, as facts dictate, and furnishing sufficient identifying data for Bureau to search its files. Pertinent information located in Bureau files will be furnished to you for transmittal to United States Attorney and will be furnished by Bureau to interested division of Department.

Bureau wishes to reiterate that requests of this type must be given expeditious handling in order to avoid criticism of Bureau.

1100-418105-

NOT RECORDED
102 JUN 27 1955

R ✓
034
S55 JUN 30 1955

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: July 12, 1955

FROM: SAC, Detroit (100-3635)

G.I.R.

SUBJECT:

DISCONTINUED INS INFORMANT
INFORMATION CONCERNING

20 JUL 1955

On SI
7/16/55
R.H.H.

Reference is made to Bureau letter to Boston dated April 25, 1955, captioned "INFORMANTS AND WITNESSES, INS", with copies to Detroit requesting Detroit Office to contact local Immigration and Naturalization Service (INS) to determine reason why INS has listed the persons included on a list attached to referenced letter as being either unreliable or of questionable credibility.

On June 17, 1955, DONALD WILLIAMS, Officer in Charge of Investigations, INS, Detroit, made available to SA J. F. SULLIVAN the local INS file on [redacted]

A review of this file disclosed a letter dated May 6, 1955, from INS-Cleveland to the FBI Cleveland (Cleveland FBI File Number 100-36). This letter stated that [redacted] had been classified as being unreliable by INS Cleveland.

The letter continued that [redacted] "has stated he would not appear voluntarily to testify regarding membership of persons known to him to have been members of the Communist Party. He has stated he would testify only in connection with persons known to him as 'Stalinists'."

Through contacts with him by this office it is quite apparent that he will agree to identify and testify against persons with whom he has had personal differences.

He is presently [redacted] an organization listed in Executive Order 10450. After testifying before the Dies Committee on June 12, 1941, he wrote an editorial which appeared in the "Fighter", stating that he did not appear voluntarily for the committee, that he was not permitted to state his position, or that of the Revolutionary Workers League, while before the committee, that he was denied representation by counsel, and that he did not give any information regarding members or former members of the CP, which was not already a matter of public record.

REGISTERED
JFS/mek
(5)

EX-113
RECORDED - 88

100-4445-52
24 JUL 14 1955

FYS

INDEXED-88

71 AUG 1 1955

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY [redacted]

DATE 10-14-99 BY [redacted]

IN FILE INDEXED FILED IN [redacted]

-4-22

(6-15-55)

(6-15-55)
Federal Bureau of Investigation
Records Section

→, 1955

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Room ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED	
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Subversive References <u>901880</u>	
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<input type="checkbox"/>	Exact Name Only
<input type="checkbox"/>	Exact Spelling
<input type="checkbox"/>	Check for Alphabetical Loyalty Form

SUBJECT

Address

~~UTD Form 10 Marine T Serial 53~~
Localities ~~10~~ ~~Geologic~~

Birthdate & Place

R# 230 Date 7-80 Searcher Initial S.D.Y.

FILE NUMBER	SERIAL
✓ 101-7663	Serial 539-1-52
✓ 602-34781-10-22	End P# 22
✓ 100-7246-11	
✓ 102-34781-942	End P# 522 (Summary 5-13 54)
✓ 602-27038 (180) (211)	End P#
✓ 602-27038	(2134)
✓ 101-7663-47	P. 1
	Summary 7-2-53
✓ 100-14646-431	End P# 522
✓ 100-7206-16	
✓ 51 (602-15353-1)	(15)(157)1
	C. B.
✓ 100-6699	- (126)
✓ 100-7206	- 16

fallas

cc - M. turff

RR

SAC, Cleveland (100-659)

July 28, 1955

RECORDED - 50

Director, FBI (100-418105) - 53

[redacted]
FORMER CONFIDENTIAL SOURCE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60267 NIS/EP/DPP
901820

Enclosed the Cleveland Office will find
one copy of Detroit letter dated July 12, 1955,
re captioned individual.

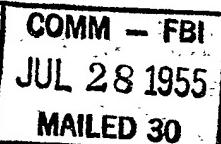
b2
b6
b7C
b7D

In the event [redacted] is considered as a
potential witness by any Agency in the future,
Cleveland should be certain that the information
contained in this letter is made available to
the appropriate Agency. The attention of the
Cleveland Office is further directed to Bureau
letter dated November 1, 1954, re [redacted]

[redacted] Security Matter - C which states that [redacted]
should not be contacted for any reason without
prior Bureau authority.

JW
Enclosure
cc - Detroit [redacted]

GFMC: mtk
(6)



Tolson _____
Boardman _____
Nichols _____
Belmont _____
Harbo _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Sizoo _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

per

100-418105

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COMM-FBI-CASES INDEXED

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: July 12, 1955

FROM: SAC, Detroit [redacted]

SUBJECT: [redacted]

DISCONTINUED INS INFORMANT
INFORMATION CONCERNING

OO: Cleveland

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60267 NIS/EP/OD

901820

Ex-Communist As Witness

Reference is made to Bureau letter to Boston dated April 25, 1955, captioned "INFORMANTS AND WITNESSES, INS", with copies to Detroit requesting Detroit Office to contact local Immigration and Naturalization Service (INS) to determine reason why INS has listed the persons included on a list attached to referenced letter as being either unreliable or of questionable credibility.

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On June 17, 1955, DONALD WILLIAMS, Officer in Charge of Investigations, INS, Detroit, made available to SA J. F. SULLIVAN the local INS file on [redacted]

A review of this file revealed a letter dated April 26, 1955, from INS, Toledo, to the FBI, Cleveland. This letter advised that [redacted] was being considered unreliable by the Toledo Office of the INS, and that the basis for this determination was that [redacted] had been "found uncooperative when interviewed by officers attached to this office, and the fact that his testimony for the Federal Communications Commission in the [redacted] case raised doubts as to his sincerity and credibility."

Further review of the INS file in Detroit pertaining to [redacted] revealed he is [redacted] and was born [redacted]

No identification references relating to [redacted] were located in a search of the Detroit Indices of the FBI.

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(4)

RECORDED - 88

INDEXED - 88

108-418105-53

24 JUL 14 1955

STX

EX-SP

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OFFICE INDEXED

00-11466-✓

Letter to the Director

Re: [REDACTED]
INFORMATION CONCERNING

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A review of the Indices of the Detroit FBI Office disclosed a master file on [REDACTED] was., SM - C, Detroit File Number 100-3635, Office of Origin being Cleveland.

However, no information pertaining to [REDACTED] was contained in this file subsequent to the report of SA C. BARRETT CAMPELL dated October 9, 1940, at Grand Rapids, except that [REDACTED]

Office Memorandum • UNITED STATES GOVERNMENT

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TO : DIRECTOR, FBI

DATE: July 12, 1955

FROM: SAC, Detroit [redacted]

SUBJECT: [redacted] DISCONTINUED INS INFORMANT INFORMATION CONCERNING

20 JUL 1955

Reference is made to Bureau letter to Boston dated April 25, 1955, captioned "INFORMANTS AND WITNESSES, INS", with copies to Detroit requesting Detroit Office to contact local Immigration and Naturalization Service (INS) to determine reason why INS has listed the persons included on a list attached to referenced letter as being either unreliable or of questionable credibility.

On June 17, 1955, DONALD WILLIAMS, Officer in Charge of Investigations, INS, Detroit, made available to SA J. F. SULLIVAN the local INS file on [redacted]

A review of this file revealed a letter dated April 26, 1955, from INS Toledo, Ohio, to the FBI Cleveland (Cleveland FBI File Number 100-16517).

This letter stated that [redacted] is being considered unreliable by INS Toledo, and that the basis for this determination was that "although he has been interviewed on numerous occasions concerning persons whom this office had reason to believe he should know, he has been of no material assistance, which raises a doubt as to his reliability and sincerity."

Additional review of this file in the INS office, Detroit, disclosed [redacted] to be a [redacted], born [redacted]. It was also indicated in this INS file that [redacted] was a member of the CP, USA from [redacted] or 1938.

A review of the Detroit Indices of the FBI disclosed that one [redacted] was identified by [redacted]

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Let to SAC, Cleveland INDEXED - 88

60 AUG 11 1955

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DATE 10-14-99 BY 6047NIS/ABD
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4-22 (6-15-55)

Federal Bureau of Investigation
Records Section

, 1955

Name Check Unit - Room 6523
 Attention _____
 Service Unit - Room 6524
 Forward to File Review
 Return to _____ Ext. _____

Supervisor
 Room **ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED**

All References DATE 10-14-99 BY 60267 NIS/EP/RD
 Subversive References 901620
 Main References Only
 Restrict to Locality of _____
 Breakdown Buildup Variations
 Exact Name Only
 Exact Spelling L
 Check for Alphabetical Loyalty Form

SUBJECT
 Address _____

Localities JUL 22 1955 b7D

Birthdate & Place 1910 Searcher Initial S.204

R# 10 Date 7-80 Initial S.204
 FILE NUMBER SERIAL

<u>100-371877</u>	<u>7-80</u>	<u>100-371877</u>	<u>Main file</u>
<u>100-3-1838X</u>	<u>End 07-23-55</u>	<u>100-3-1838X</u>	<u>End 07-23-55</u>
<u>54</u>	<u>100-3002838-176</u>	<u>100-3002838-176</u>	<u>End 07-15-55</u>
	<u>Part 2</u>	<u>Part 2</u>	<u>152</u>
<u>100-34781-942</u>	<u>End 07-65</u>	<u>602-34781-942</u>	<u>(Summary 5-13-54)</u>
<u>602-34781-1032</u>	<u>End 07-01</u>	<u>602-34781-1032</u>	
<u>100-202838-98</u>	<u>End 07-01</u>	<u>100-202838-98</u>	
<u>54</u>	<u>100-226510-1178</u>	<u>100-226510-1178</u>	
<u>40-3923-139</u>	<u>PT 24</u>	<u>40-3923-139</u>	<u>PT 24</u>
<u>51</u>	<u>101-6328-16</u>	<u>101-6328-16</u>	<u>Main</u>
			<u>ST</u>
<u>51</u>	<u>100-23331-16</u>	<u>100-23331-16</u>	
<u>51</u>	<u>100-106482-70</u>	<u>100-106482-70</u>	<u>100-106482-70</u>
<u>NB</u>	<u>26-128706</u>	<u>26-128706</u>	
<u>N</u>	<u>87-17176</u>	<u>87-17176</u>	<u>K97</u>

4-22 (6-15-55)

Federal Bureau of Investigation
Records Section

, 1955

Name Check Unit - Room 6523
 Attention _____
 Service Unit - Room 6524
 Forward to File Review
 Return to _____ Ext. _____
 Supervisor
 Room _____

b7D

All References
 Subversive References
 Main _____ References Only
 Restrict to Locality of _____
 Breakdown Buildup Variations
 Exact Name Only
 Exact Spelling
 Check for Alphabetical Loyalty Form

SUBJECT

Address _____

Localities _____

Birthdate & Place _____

R# 20

Date 7-20

Searcher Initial J.204

FILE NUMBER

SERIAL

MR

MR

(var) (var)
5Y 100-3-10-1906, Encl P-22
(var) (var)

5Y 100-202838-24

5Y 100-3-24-58415 10 (var)
(var) (var)

SE

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: July 12, 1955

FROM: SAC, Detroit [redacted]

SUBJECT: [redacted]

DISCONTINUED TNS INFORMANT
INFORMATION CONCERNING
OO: Cincinnati

W. 51

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60267NIS/EP/DD

901820

Reference is made to Bureau letter to Boston dated April 25, 1955, captioned "INFORMANTS AND WITNESSES, INS", with copies to Detroit requesting Detroit Office to contact local Immigration and Naturalization Service (INS) to determine reason why INS has listed the persons included on a list attached to referenced letter as being either unreliable or of questionable credibility.

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b7D

On June 17, 1955, DONALD WILLIAMS, Officer in Charge of Investigations, INS, Detroit, made available to SA J. F. SULLIVAN the local INS file on [redacted]

A review of this file disclosed a letter dated May 18, 1955, from INS, Cincinnati, to the FBI, Cincinnati (Cincinnati FBI File Number 100-28062). This letter advised that [redacted] was being considered unreliable by INS, Cincinnati.

The letter continued that "This determination is based on information and the FBI report of Agent Theodore F. Bruhle, dated May 19, 1952, at Newark. This report reveals on page 5, last paragraph, that [redacted] advised on October 10, 1950, that in January, 1947, a meeting of the CP Fraction of the Eastern Division of the Farmers Union was held at Hotel Hildebrecht, Trenton, New Jersey, in preparation for the coming Farmers Union convention. [redacted] stated that by a person's very presence at this meeting he considered him to be a CP member. [redacted] stated that one Boris Schwartz (your file 39-0) was present at this meeting.

"When interviewed by a representative of this Service on February 16, 1954, Subject failed to identify Schwartz as a CP member. At a subsequent interview on March 7, 1955, the Subject denied making the above statement to your agency.

"Subject's file reveals that he was associated with numerous CP members of foreign extraction, but he has thus far only identified CP members already known as such by your agency and this Service." 28-1885-38

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24 JUL 1955

See Let to Lut
in Newark
7-25-55
INDEXED-88
R.H.

ORIGINAL FILED IN 102-31

Letter to the Director

Re: [REDACTED]
INFORMATION CONCERNING

b7D

No identification references relating to [REDACTED]
were located in the search of the Detroit Indices of the
FBI.

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: July 12, 1955

FROM: SAC, Detroit [redacted]

SUBJECT: [redacted]

DISCONTINUED INS INFORMANT
 INFORMATION CONCERNING
 OO: Cleveland

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 10-14-99 BY 60267NIS/EPI/DP
 QD1820

Reference is made to Bureau letter to Boston dated April 25, 1955, captioned "INFORMANTS AND WITNESSES, INS", with copies to Detroit requesting Detroit Office to contact local Immigration and Naturalization Service (INS) to determine reason why INS has listed the persons included on a list attached to referenced letter as being either unreliable or of questionable credibility.

On June 17, 1955, DONALD WILLIAMS, Officer in Charge of Investigations, INS, Detroit, made available to SA J. F. SULLIVAN the local INS file on [redacted]

A review of this file disclosed a letter dated May 31, 1955, from INS, Cleveland, to the FBI, Cleveland (Cleveland FBI File Number 100-2264). This letter advised that [redacted]

[redacted] "was contacted by an officer of this Service in July, 1953, admitted former membership in the Communist Party (CP) and agreed to cooperate with this Service.

"On subsequent contacts he advised that he did not desire to cooperate and that if he should publicly testify it would have an adverse effect on his business. He has not testified at any Service proceedings.

[redacted] is no longer being utilized as an Informant by this Service."

Further review of the INS file pertaining to [redacted] revealed he was born [redacted] at [redacted]
[redacted]
[redacted]

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CC: 1 - Cleveland (Information)

Det to SAC, Cleveland

7/1 AUG 4 1955

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100-418105-56
 [Signature]
 [Signature]

UNREG'D COPY FILED IN 100-1884-111

Letter to the Director

Re: [REDACTED]
INFORMATION CONCERNING

A review of the Indices of the FBI Detroit reflected
that the name [REDACTED]

[REDACTED] b7D
[REDACTED]

was set out in New York letter to the Bureau dated May 7, 1948,
captioned, "VETERANS OF THE ABRAHAM LINCOLN BRIGADE, INTERNAL
SECURITY - C."

No other possible identifiable references relating to
[REDACTED] were located in a search of the Detroit
Indices of the FBI.

One copy of instant letter is being designated for
Cleveland for informational purposes since it is not definitely
known whether or not Cleveland has the additional information
obtained from a review of the file available in the Detroit
Office of INS as set out above.

~~SECRET~~DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 06-02-2010

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: June 28, 1955

FROM : Mr. A. H. Belmont

SUBJECT: ~~RELEASING CURRENT CONFIDENTIAL
INFORMANTS FOR TESTIMONY IN
SECURITY CASES~~

Tolson _____
 Boardman _____
 Nichols _____
 Belmont _____
 Harbo _____
 Mohr _____
 Parsons _____
 Rosen _____
 Tamm _____
 Sizoo _____
 Winterrowd _____
 Tele. Room _____
 Holloman _____
 Gandy _____

Ex-Communists as witnesses

Reference is made to Assistant Attorney General (AAG) Tompkins' memorandum to the Director of June 24, 1955, concerning the disclosure of valuable current security informants of the Bureau in connection with proposed security prosecutions.

10-14-99

MR. TOMPKINS' MEMORANDUM:CLASSIFIED BY 602L7 MISTER/PDD
DECLASSIFICATION 25X 1 01880

Paragraph two of Mr. Tompkins' memorandum reflects in part that the Internal Security Division has always been acutely aware of its responsibilities in prosecuting subversives, to balance most carefully the desirability and the necessity for a particular prosecution with the necessity for continued and complete intelligence coverage by the FBI. Mr. Tompkins indicated he knew of no instance in which the FBI's views with regard to the availability of a particular security informant to testify in a criminal prosecution had not received the full and unqualified support of his division.

COMMENT:ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE.

In connection with the above, the Internal Security Division in preparing a Smith Act case for trial has in almost every instance ultimately requested that one or more of our more valuable informants be made available for testimony. We have from the inception of the Smith Act program had to bring the Internal Security Division up short on a number of occasions to keep them from exposing more of our informants than were absolutely necessary. We have, by continually insisting that the Internal Security Division not use an informant unless his testimony is absolutely essential to the case, forced them to weigh most carefully the use of each and every current informant. By insisting on this procedure, we have continually kept the pressure on to prevent the Internal Security Division from exposing more of our informants than has been absolutely necessary to insure successful prosecution. We have been able

cc: Mr. Boardman

RECORDED - 8

Mr. Belmont

Mr. Baumgardner

Mr. Reddy

INDEXED - 8

100-418105-57

11 JUL 15 1955

FJB:nbs

(5)

JUL 19 1955

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Memorandum for Mr. Boardman

| in some instances to save top informants whom the Internal
| Security Division requested as witnesses by supplanting the
| anticipated testimony of the informants with evidence from
| other sources.

You will recall that by memorandum dated May 2, 1955, ~~a copy of which is attached~~, it was recommended and approved that in view of the critical statements made by Departmental attorney concerning the procedure followed by the Bureau in making informants available for interview, we would in the future introduce these informants under their true names; would instruct that the interviews be conducted under only those security precautions deemed absolutely essential, and would, when the Department requested that a valuable current informant be made available for testimony, point out to the Attorney General the informant's value and then leave entirely to the Department the decision as to whether the informant should be used as a witness. It was further recommended and approved that we continue to list as unavailable for testimony only the very few informants who are extremely highly placed and who are furnishing information on a national level which is not available through other informants or sources.

Therefore, under our current policy whenever the Internal Security Division asks for a current live security informant as a witness, we furnish to the Attorney General detailed background data concerning the informant including the type of information he is currently furnishing and the value of the information to the Bureau's security coverage; the current and long-range potential of the informant, and any factors which might affect the informant's credibility as a witness and we then leave to the Attorney General the decision as to whether the informant should be used as a witness. We have followed this procedure in connection with the proposed Smith Act prosecutions in San Francisco, Richmond, and Portland.

All of this boils down to the fact that to prosecute Communist functionaries under the Smith Act, there must be competent witnesses against them and, in nearly every case, some of our valuable live informants are exposed. This is particularly true now because most of the top Communist leaders have been operating in the underground and in most instances,

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Memorandum for Mr. Boardman

the only competent witnesses against them are our valuable informants. Thus, while the caliber and stature of the defendants is falling, the sacrifice of informants as to number and value is increasing. Whenever a valuable informant is lost through testimony at a trial, it becomes necessary to develop another informant to replace him in order that the Bureau can continue to meet its responsibilities in the internal security field. The development of a valuable informant is an extremely difficult procedure involving the expenditure of considerable Agent time and, in addition, is a costly operation.

MR. TOMPKINS' MEMORANDUM:

Paragraph two of Mr. Tompkins' memorandum further reflects in part that in some instances the Internal Security Division has foregone the prosecution of certain Communist Party functionaries because the Internal Security Division recognized that the benefits to be gained by prosecution were outweighed by the resultant loss of coverage from an intelligence standpoint.

COMMENT:

In this connection it is possible that Mr. Tompkins may be referring to the Newark Smith Act conspiracy case and the Philip Bart Membership Smith Act case in Philadelphia. In connection with the Newark Smith Act conspiracy case, the Internal Security Division advised on April 27, 1955, that unless current New York Informant [redacted] who was considered by the Internal Security Division as the key witness against the Newark defendants, was available for use as a witness, no Smith Act conspiracy prosecution could be contemplated in New Jersey in the immediate future. [redacted]

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Memorandum for Mr. Boardman

By memorandum dated April 28, 1955, we advised Mr. Tompkins that [redacted] continued to be a highly-placed current informant.

[redacted]
he could not be made available for use as a witness. We further indicated that should there be any change in the availability status of this informant, the Internal Security Division would be immediately advised.

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With respect to the Philip Bart Membership Smith Act case, the Internal Security Division by memorandum dated May 2, 1955, requested information as to the availability of current Informants [redacted] NY-694-S, and CG-5824-S, all of whom are extremely valuable active informants who furnish information on a national and international level. The value of [redacted] has been described above. NY-694-S and CG-5824-S are brothers, the former operating on a national and international level in New York and the latter operating on an extremely high level in Chicago and New York. The Internal Security Division was advised by letter dated May 16, 1955, of these facts and it was pointed out that these three informants were not available for testimony since their exposure would have an extremely serious effect on our coverage of national Communist Party activities. Subsequently the Internal Security Division requested that the Bureau interview another current informant [redacted]

[redacted]
was interviewed by New York Agents and the results of this interview furnished to the Internal Security Division.

By memorandum dated June 8, 1955, the Internal Security Division advised the information obtained [redacted] not sufficiently strong to allow him to be used as a key witness against Bart. The Internal Security Division also requested that should there be any change in the availability status of [redacted] NY-694-S, or CG-5824-S, the Internal Security Division should be so advised. The New York, Philadelphia, and Chicago Offices have been instructed to intensify their efforts to supplant the anticipated testimony of the aforementioned informants with evidence from other sources.

MR. TOMPKINS' MEMORANDUM:

Paragraphs three and four of Mr. Tompkins' memorandum reflect that the most severe blow dealt to domestic Communism

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Memorandum for Mr. Boardman

has been the successful prosecution of 88 Communist Party leaders. Further that these prosecutions have been a constant drain on the Party's financial sources and have deprived the Party of much of its most powerful leadership. Also that the prosecutions have caused considerable confusion within the ranks of the Party and have instilled fear and uncertainty in its members. Also that the hard core Communists have remained dedicated to the cause even though many less devoted Marxists have ceased their Communist activities and that there are still more than 22,000 active members of the Communist Party extending their influence into numerous front organizations and the various educational and economic fields.

COMMENT:

It is true that the successful prosecution of Communist Party leaders has been a severe blow against the Communist Party. We have recognized this by performing the investigations which resulted in the prosecutions and by providing valuable informants as witnesses. We should not lose sight of the fact that the Bureau's program of interviewing Communists and our penetration of the Communist underground and our informant coverage have proven equally deleterious to the Communist Party and by exposing informants as witnesses we are reducing our penetration coverage. We agree that past successful prosecutions were essential; however, again the Department must constantly weigh the value of future prosecutions against the risk of Supreme Court reversal and loss of security coverage through exposure of informants.

MR. TOMPKINS' MEMORANDUM:

The fifth paragraph of Mr. Tompkins' memorandum points out that his division feels compelled to continue a vigorous program of prosecution against the top level Party leadership in an effort to reduce further the influence of the Communist conspiracy in the United States. Further that his division concurs fully with the Director's view that there must be a balance maintained between continued intelligence coverage and the institution of additional prosecutions. He added that his division would continue the policy of weighing and evaluating prospective prosecutions of Communist functionaries in the light of possible adverse impact which the disclosure of confidential informants might have upon the continuance of the FBI's essential intelligence operations.

~~SECRET~~

~~SECRET~~

Memorandum for Mr. Boardman

COMMENT:

We, of course, are of the view that vigorous prosecution should be continued against top level Communists. There is no question that conviction of Communist leaders is a powerful weapon against the Communist Party - USA. However, it would appear that the recent comparatively numerous prosecutions which the Internal Security Division has indicated it is contemplating smacks more of headline hunting than it does of damaging the influence of the Communist Party, USA, through carefully considered prosecutions against top level Communist leadership.

It is noted that during the past few months, the Department has indicated an interest in initiating conspiracy prosecutions under the Smith Act in Buffalo, Newark, San Francisco, Portland, Richmond, and Chicago and in initiating prosecutions under the membership provision of the Smith Act against individual Communist Party functionaries [redacted] in Seattle, [redacted] in Butte, [redacted] in Minneapolis, and Philip Bart in Philadelphia. This large number of potential prosecutions would appear to indicate that careful consideration was not given by the Department to the caliber of the potential defendants. It is pointed out that in Buffalo and Richmond, for example, the potential defendants definitely were not up to the standard of the defendants in previous successful cases.

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In addition, you will recall that Mr. Tompkins indicated to Mr. Nichols on April 12, 1955, that it would be an excellent idea to effect Smith Act arrests at one or two points on the West Coast on April 30, 1955, as an answer to the usual Communist Party May Day publicity. We subsequently learned that Mr. Tompkins planned to be on the West Coast on April 30, 1955, and this adds weight to the impression that he was thinking more of the attendant publicity of Smith Act arrests than he was of planning a decisive blow against the operations of the Communist Party on the West Coast.

~~SECRET~~

~~SECRET~~

Memorandum for Mr. Boardman

Another factor making it imperative that the stature of future Smith Act defendants be kept at the highest level is the definite possibility that, if this is not done, the Supreme Court may well reverse a conviction on the basis that the defendant or defendants are purely local functionaries and do not constitute a clear and present danger against the United States. There is already an indication of such a tendency by the courts, as witnessed by the very light sentences recently imposed on the nine Philadelphia defendants by United States District Judge Ganey. In passing sentence, Judge Ganey noted that he had considered the importance of these defendants as compared with the defendants in the Dennis case (these defendants were members of the national committee of the CP) and he realized that they were local CP members operating under Party discipline.

ACTION: This is a very strong point ↴

This memorandum has been prepared for the Director's assistance in connection with the forthcoming conference with the Attorney General at 3:00 P.M., Thursday, June 30, 1955.

There is attached for your approval a reply to Mr. Tompkins' memorandum of June 24, 1955, which we feel may be desirable to send back to Tompkins as a matter of record.

I agree ↴

6/29

OHH

JW

JMB

EBR:pjm

~~SECRET~~

EBR

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman *VL*

FROM : Mr. A. H. Belmont *G*

SUBJECT: RELEASING CURRENT CONFIDENTIAL INFORMANTS FOR TESTIMONY IN SECURITY CASES

DATE: June 28, 1955

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60261 NIS/EP/DD
001820

Tolson _____
Boardman _____
Nichols _____
Belmont _____
Harbo _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Sizoo _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

EX-COMMUNISTS AS WITNESSES
In connection with currently pending Smith Act trials and Subversive Activities Control Board hearings and other Smith Act and Subversive Activities Control Board proceedings which the Department is considering, we have made available 13 security informants as witnesses, 10 security informants for interview by Departmental attorneys, and, in addition, the Department has made inquiry concerning the availability of 96 additional security informants.

or number
In accordance with the Director's request, there is submitted herewith a detailed memorandum which sets out by cases the number of security informants, with a brief summary on each showing his value and the peril to our security coverage if he is exposed, who: (1) have been made available to testify; (2) have been made available for interview; (3) the Department has inquired as to their availability.

W
ENCLOSURE
We have, where it is known, indicated the symbol, such as "A" or "B," by which the Department knows the informants involved. In category (3) where Department has made initial inquiry as to the availability of numerous informants, these informants are represented by one or more T symbols in numerous investigative reports. Therefore, it is not feasible to attempt to reflect in this memorandum the various T symbols by which they are known to the Department.

J
Some of our informants, if exposed through testimony, will be used by the Department as witnesses in other cases. However, for the purpose of this memorandum, we have listed them only under the most important case in which they could appear as a witness.

Enclosure

cc - Mr. L. V. Boardman
 cc - Mr. A. H. Belmont
 cc - Mr. F. J. Baumgardner *104*
 cc - Mr. J. D. Donohue
 cc - Mr. W. C. Thornton
 cc - Mr. E. B. Reddy

FJB:nbs
 (7) JUL 18 1955

RECORDED - 8
 11 JUL 14 1955

INDEXED - 8

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In summary, the informant picture is as follows:

- I. CLEVELAND SMITH ACT CASE
(Trial set for October, 1955)
- || Made available as witness
(1 very valuable, 2 mediocre) 3
- II. NEW HAVEN SMITH ACT CASE
(Trial set for September, 1955)
- || Made available as witness
(1 very valuable, 1 mediocre) 2
- Department inquired if available
(Mediocre) 1 3
- III. SAN JUAN SMITH ACT CASE
(Trial date not set)
- || Made available as witness
(2 very valuable, 1 mediocre) 3
- IV. JOHN NOTO SMITH ACT CASE
(Secret indictment)
- Made available as witness
(2 mediocre) 2
- V. SAN FRANCISCO SMITH ACT CASE
(Under consideration)
- || Made available as witness
(Mediocre) 1
- || Made available for interview
(? valuable) 7
- || Department inquired if available
(15 valuable, 3 mediocre) 18 26
- VI. RICHMOND SMITH ACT CASE
(Under consideration)
- || Made available for interview
(2 valuable) 2
- || Department inquired if available
(1 valuable) 1 3

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60267 NIS/EP/DD
901820

100-418105-58
- a -
ENCLOSURE

VII. • PORLAND SMITH ACT CASE
(Under consideration)

<u>Made available for interview</u> <u>(1 valuable)</u>	1
<u>Department inquired if available</u> <u>(5 valuable, 4 mediocre)</u>	9
	<u>10</u>

VIII. • JOHN CYRIL HELLMAN SMITH ACT CASE
(Under consideration)

<u>Department inquired if available</u> <u>(2 valuable, 3 mediocre)</u>	5
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IX. • CLAYTON VAN LYDEGRAF SMITH ACT CASE
(Under consideration)

<u>Department inquired if available</u> <u>(1 valuable, 2 mediocre)</u>	1
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X. • ROBERT KELLY SMITH ACT CASE
(Under consideration)

<u>Department inquired if available</u> <u>(5 valuable, 2 mediocre)</u>	7
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XI. • PHILIP BART SMITH ACT CASE
(Under consideration)

<u>Department inquired if available</u> <u>(3 most valuable, 5 valuable)</u>	8
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XII. • NEWARK SMITH ACT CASE
(under consideration)

<u>Department inquired if available</u> <u>(1 valuable)</u>	1
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XIII. COUNCIL ON AFRICAN AFFAIRS
(SACB hearing starts July 11, 1955)

<u>Made available as witnesses</u> <u>(2 mediocre)</u>	2
<u>Department inquired if available</u> <u>(7 valuable, 4 mediocre)</u>	11
	<u>13</u>

XIV. AMERICAN PEACE CRUSADE
(SACB hearing under consideration)

|| Department inquired if available 14
(14 valuable)

XV. NATIONAL NEGRO LABOR COUNCIL
(SACB hearing under consideration)

|| Department inquired if available 17
(13 valuable, 4 mediocre)

XVI. AMERICAN COMMITTEE FOR PROTECTION
OF FOREIGN BORN
(SACB hearing under consideration)

|| Department inquired if available 2
(1 valuable, 1 mediocre)

XVII. INTERNATIONAL UNION OF MINE, MILL AND
SMELTER WORKERS
(SACB hearing under consideration)

|| Department inquired if available 1
(1 valuable)

TOTAL 119

RECAPITULATION

Informants:

Made available as witnesses	13
Made available for interview	10
Department inquired if available	<u>96</u>

TOTAL 119

Valuable informants	88
Mediocre informants	<u>31</u>

TOTAL 119

JS
HTR
WBR

~~CONFIDENTIAL~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : Messrs. Tompkins, Hoover

DATE: June 27, 1955

FROM : Herbert Brownell, Jr.

SUBJECT: RELEASING CURRENT CONFIDENTIAL
INFORMANTS FOR TESTIMONY IN
SECURITY CASES

Mr. Tolson
Mr. Boardman
Mr. Nichols
Mr. Belmont
Mr. Harbo
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Sizoo
Mr. Winter
Tele. Room
Mr. Holloman
Miss Gandy

Ex-Comm. + As written below

I am attaching hereto a memorandum from the Director of the FBI to me, dated June 13, 1955, on the above subject. Will you please arrange to attend a conference between Mr. Rogers, Mr. Hoover and Mr. Tompkins in my office on Wednesday, June 29, at 3 P.M. to discuss the question raised by Mr. Hoover's memorandum.

Brownell
Rogers

Mr. Tompkins and Mr. Hoover should bring to the conference a list of the current requests and inquiries from the Internal Security Division to the FBI relating to prospective witnesses for the Smith Act cases - both conspiracy cases and membership cases, together with any information that has a bearing on the solution of the question raised by Mr. Hoover.

DECLASSIFIED BY 60267 NIS/EP/D
CN 10-14-99

901820

Duplicate original
to Mr. Hoover

CC - Mr. Rogers

Attachment to
Mr. Tompkins

6/27 JUL 19 1955

2 CC Brownell

EX-104 PROC.

JUN 27 1955

Card made in Tolman 6-27-55 PM

RECORDED - 8

11 JUL 14 1955

~~CONFIDENTIAL~~

EX-104

CONFIDENTIAL

EX-104

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60267NIS/EP/DD

901820

June 30, 1955

MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. BELMONT
MR. NICHOLS

Today I attended a meeting in the Attorney General's office at which were present the Attorney General, Assistant Attorney General Tompkins, and Mr. Hall of Mr. Tompkins' office. The Attorney General had called this meeting in order to have a discussion relative to the matter of handling informants for testimony in security cases.

Mr. Tompkins opened the discussion by making a statement generally to the effect that there were now pending four Smith Act conspiracy cases and one membership case under the Smith Act at Philadelphia and the proposed trial of the Dennis conspiracy case defendants who had to be re-tried. Mr. Tompkins pointed out that there had been no indictments for conspiracy under the Smith Act since last Fall and stressed the point that there had been no indictments procured during the year 1955. He further pointed out there had been five conspiracy cases under consideration, namely, Newark, Portland, Richmond, Chicago and San Francisco, but that his Division had decided not to proceed against Newark, Portland and Richmond because of witness difficulties and had not yet reached their final decision relative to Chicago.

Mr. Tompkins then indicated that as regards the San Francisco prosecution, his Division only intended to use possibly four FBI informants in the trial of that case. I then interrupted Mr. Tompkins and told him that obviously there was some misunderstanding somewhere because the records of the FBI show that this Bureau had already made available as a witness one of its informants for use in the San Francisco Smith Act case; had made available seven additional informants for interview; and that his, Mr. Tompkins' Division, had inquired as to the availability of eighteen more, making a total of twenty-six. I then pointed out that the Bureau was not only concerned

RECORDED - 81

EX-104

SENT FROM D. O.	TIME 9:40 AM
DATE 7-1-55	BY JFD

100-47816-60
JUL 18 1955

Memorandum for Messrs. Tolson, Boardman, Belmont, Nichols
June 30, 1955

about this large number of informants being sought for availability, but that so far as the Bureau knew, it was the intention of the Internal Security Division to interview all such twenty-six informants and that this action presented a serious security problem. I informed the Attorney General that following the criticism directed at this Bureau by Mr. Harris through the medium of Mr. Sylvester's column in the Newark Evening News, the policy of the Bureau had been changed and that now informants were being introduced under their right names and with the minimum of security precautions. I stated that I did not personally believe in the lowering of these safeguards, but I did not intend that the Bureau should be subject to such attacks as were directed against it by Sylvester and Harris. I also pointed out to the Attorney General that we had likewise, because of the criticism of the Internal Security Division of the Department in its memorandum of April 7, 1955, changed our policy relative to the availability of reports to informants and former informants of the FBI. Both Mr. Tompkins and Mr. Hall seemed somewhat surprised at this and I then read the contents of the memorandum from Mr. Tompkins dated April 7, 1955, in which it was stated that trial attorneys, by reason of the fact that they were not able to make available to a prospective witness any written reports or statements submitted by that witness to the Bureau, were carrying unusual burdens and responsibilities and further that Mr. Tompkins in his memorandum had stated "in many instances in Smith Act prosecutions, extremely valuable evidence has been lost because of the inability of an informant witness to recall the details of a meeting." I stated that I seriously doubted that there were any such "many instances," as Mr. Tompkins had referred to but that in view of the generality of the memorandum, this Bureau could not be placed in the position of obstructing prosecutions and that I had, therefore, in the memorandum of May 2, 1955, to Mr. Tompkins and the Attorney General indicated that the Bureau would now leave to the Department the decision as to whether informant witnesses reviewed the reports and that the Bureau preferred not to even be consulted about this. I stated that it was my personal opinion that making our reports available to informants and ex-informants was a most undesirable practice. All agreed to this latter observation, and Mr. Tompkins and Mr. Hall stated that so far as they knew, no instance had arisen

Memorandum for Messrs. Tolson, Boardman, Belmont, Nichols
June 30, 1955

whereby reports had been made available to informants following the Bureau's memorandum of May 2. I then observed that it seemed to me that the original objection of the Internal Security Division, as reflected in its memorandum of April 7, 1955, was ill-advised and was not predicated upon substantive facts.

The discussion then reverted to the interviewing of Bureau informants, and I observed that I was concerned about the large number of informants being interviewed by a large number of attorneys in the Internal Security Division of the Department. I stated that I did not intend to imply that any of these attorneys were not reliable and loyal, but I was concerned about the over-all security factor because from time to time there would be a certain turn-over in the Internal Security Division and attorneys knowing the identity of informants, even though not used, might leave the Department and be employed by Congressional Committees, State Committees and other media whereby the identity of our informants might ultimately become known to the detriment of our internal security coverage.

I then advised the Attorney General that, contrary to the figures presented by Mr. Tompkins, there were now pending 119 requests for availability of informants growing out of 19 contemplated cases, either under the Smith Act or before the Subversive Activities Control Board. Both Mr. Tompkins and Mr. Hall seemed to be taken off base with these figures and indicated that they were not cognizant of the same. It is likely that either they or some representative of the Internal Security Division will endeavor to discuss this matter with Mr. Belmont to try to adjust the figures, and Mr. Belmont should be prepared to support the position, as reflected in the memorandum submitted to me by Mr. Belmont's Division, dated June 28, 1955.

I pointed out that I did not in any way question the desirability of prosecutions of Communists and that obviously prosecutions would have to be continued, but that it should be kept in mind that in every case in which prosecution is initiated, it reduces our informant coverage and replacements of informants become more costly, more difficult and more time-consuming. I also observed that there was another factor involved, namely, the diminution of interest upon the part of the public in the danger

Memorandum for Messrs. Tolson, Boardman, Belmont, Nichols
June 30, 1955

of subversive activities, as well as the danger of initiating prosecution against persons other than top-level Communists. I called attention to the light sentences imposed upon the nine persons recently convicted in Philadelphia under the Smith Act by Judge Ganey and Judge Ganey's observation that in imposing these sentences, he had considered the importance of the defendants in the Dennis case. I stated that the United States Supreme Court had indicated that in such Smith Act cases, the activities of the defendants must constitute clear and present danger against the United States, and that if the Department proceeds to levels below the top levels of the Communist Party, it is likely that some of the convictions in the District Courts may in the future be reversed.

I then advised the Attorney General that according to the information in the Bureau there were nineteen cases under consideration by the Internal Security Division for action in which the 119 informants would be used. Both Mr. Tompkins and Mr. Hall disavowed any intention of proceeding in any such large number of cases. I stated that in so far as the Bureau knew or had been advised, we had to assume that they intended to proceed with these cases in view of their requests for the availability of informants.

There then came up for discussion the matter of William Z. Foster and the Attorney General indicated to Mr. Tompkins that he desired to renew the effort to bring Foster to trial. The Attorney General inquired as to whether the Bureau was prepared to furnish information showing his day by day activities in order to disprove the claim of his illness. I told the Attorney General that I would check into this at once, but I was quite certain that we had reasonably good coverage of Foster. Please give this immediate attention, and if we do not have adequate coverage of what Foster is doing, it should be immediately initiated. We should also dig out any speeches or articles which Foster has written since the last attempt was made to bring him to trial in order that the same may be used by the Department in an effort to get this individual to trial at an early date.

It was indicated by Mr. Tompkins and Mr. Hall that they intended to proceed with the prosecutions which have already been set in New Haven, Connecticut and in Cleveland, Ohio, even

Memorandum for Messrs. Tolson, Boardman, Belmont, Nichols
June 30, 1955

though they consider that they will have difficulty obtaining convictions in both these cases, since in the New Haven case the trend of thinking in that area is becoming more and more liberal and that will probably affect the viewpoint of the jury selected, while at Cleveland certain matters have developed concerning witnesses which might impair their usefulness.

Mr. Tompkins and Mr. Hall also indicated that they intended to proceed with the retrial of the four defendants in the New York case.

As regards San Francisco and Chicago, it was their position that they would proceed certainly at San Francisco and might possibly be able to develop a case for Chicago. Mr. Tompkins inquired whether I would advise him as to the indispensability of any informants of ours in any of these cases. I told him that I would not, since I did not want to open the Bureau to the kind of attack that it had been subjected to by his Division in connection with making reports available to ex-informants and informants and the kind of attack made by Sylvester and Harris on our procedures in making informants available for interview. I stated that the Bureau would, of course, submit by memorandum to the Attorney General with copies to Mr. Rogers and Mr. Tompkins the factors which we considered vitally important in the coverage of an individual informant, but that it would have to be the final decision of the Department as to whether that informant would be exposed or not.

Mr. Tompkins and Mr. Hall indicated that they were likewise desirous of proceeding against four of the Communist-dominated labor unions which have recently been referred to by some Congressional Committee and likewise that they would probably present several cases to the Subversive Activities Control Board in view of the recommendation of a Congressional Committee.

It is quite obvious, however, that they are not intending to proceed with the nineteen cases in which 119 informants have been requested for availability, but that this will be materially cut down as a result of the conference held this afternoon.

Very truly yours,

JS 

John Edgar Hoover
Director

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR ALL INFORMATION CONTAINED DATE: 6/28/55
HEREIN IS UNCLASSIFIED
CLYDE TOLSON DATE 10-14-99 BY b0267 NIS/EP/DP
FROM : 901820
SUBJECT: Ex Commercio f. AS WITNESSED
D

Tolson _____
Boardman ✓ _____
Nichols _____
Belmont _____
Harbo _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Sizoo _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

The Attorney General's memorandum of June 27 concerning the conference to be held on Thursday afternoon, June 30, to discuss releasing current confidential informants for testimony in security cases asked, in addition to the list of current requests and inquiries, for any other information that has a bearing on the solution of the questions raised.

The problem is that the continuing exposure of informants renders the work of the Bureau in its internal security coverage more difficult. The development of additional informants to replace those which have been exposed is costly, time-consuming and increasingly more difficult to accomplish. In other words, there must be a consciousness of the value to the Bureau of knowing what is going on in Communist circles in order that we will be able to keep abreast of the subversive activities of the group and each informant disclosed reduces the potential sources of information and makes more difficult the development of additional informants of value.

Mr. Belmont is preparing a reply to Tompkins' recent memorandum on this subject.

GT:IDSS

58 JUL 25 1955

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RECORDED-53

11 JUL 15 1955

UNRECORDED COPY FILED IN

June 29, 1955

During our discussion yesterday re the use of confidential informants as witnesses by the Dept., the Director recalled another incident wherein the Dept. raised an issue concerning informants. I believe the Director had in mind the Dept.'s memorandum of April 7, 1955, which concerned the use of ex-Communists as witnesses. On the last page of that memo, the Dept. claimed that unusual burdens and responsibilities were placed on trial attorneys because they were not allowed to make available to a prospective witness any written reports or statements submitted by that witness to the Bureau. Also, that "in many instances in Smith Act prosecutions, extremely valuable evidence has been lost because of the inability of an informant witness to recall the details of a meeting." Therefore, an informant should be allowed to see his report before testifying.

After some exchange of correspondence, by memo dated May 2 the Bureau quoted these statements back to the Dept. and flatly stated we could not be placed in the position of obstructing prosecutions; that we would leave it to the Dept. as to whether informant witnesses reviewed their reports; that we would prefer not to be consulted, as this was a Dept. decision, and the reason we were taking this stand was because the Dept. had seen fit to make the above statements in its April 7 memo.

We have not included this item in our analysis of Mr. Tompkins' memo of June 24, 1955, inasmuch as the issue involved now is the basic issue of using informants as witnesses rather than whether their reports should be shown to them before they testify.

A. H. Belmont

EBI EBI 100-418105-62
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60261 NIS/EP/DO RECORDING-59
901820 E-10 11 JUL 15 1955

393
58JUL 25 1955

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont *(AB)*

DATE: July 11, 1955

FROM : Mr. F. J. Baumgardner *(KJ)*SUBJECT: DEPARTMENTAL COMMITTEE ON
SECURITY WITNESSES

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60067 NIS/EP/DO
901820

Tolson _____
 Boardman _____
 Nichols *(initials)*
 Belmont _____
 Harbo _____
 Mohr _____
 Parsons _____
 Rosen _____
 Tamm _____
 Sizoo _____
 Winterrowd _____
 Tele. Room _____
 Holloman _____
 Gandy _____

The minutes of the meetings of the above Committee for June 28 and 30, 1955, have been received and reviewed.

June 28, 1955

Mr. Conner submitted to the Committee a report and recommendation of the Internal Security Division regarding the Labor Youth League and Civil Rights Congress cases before the Subversive Activities Control Board in which Matthew Cvetic testified. He advised the Committee that these were the only cases before the Subversive Activities Control Board in which Cvetic had testified. The Internal Security Division also recommended that these cases not be reopened.

The Internal Security Division also recommended that the Pittsburgh Smith Act case not be reopened. Both Matthew Cvetic and [redacted] testified in this case. b7D

June 30, 1955

Mr. Conner, Internal Security Division, submitted to the Committee the recommendation of that Division concerning the four cases in which Harvey Matusow testified before the Subversive Activities Control Board. The Internal Security Division recommended that these cases not be reopened. The cases included the Communist Party, Labor Youth League, National Council of American-Soviet Friendship, and Veterans of the Abraham Lincoln Brigade.

RECOMMENDATION:

This is for your information

GFM:wfc:bew

(4) *(initials)*

cc - Mr. Belmont

Mr. Baumgardner *[redacted]*

7-13

b6
b7C

✓ *AB* 100-418105-63
RECORDED-46 *fls* JUL 20 1955

INT SEC

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: July 8, 1955

FROM : Mr. A. H. Belmont

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-14-99 BY 6051NIS/EP/DO

901820

SUBJECT: POLICY FOLLOWED IN RELEASING CURRENT
INFORMANTS FOR TESTIMONY IN SECURITY
CASES

Tolson _____
 Rosen _____
 Nichols _____
 Belmont _____
 Harbo _____
 Mohr _____
 Parsons _____
 Rosen _____
 Tamm _____
 Sizoo _____
 Winterrowd _____
 Tele. Room _____
 Holloman _____
 Gandy _____

Ex-Communists As Witnesses

SYNOPSIS:

Pursuant to the Director's request there is set out below the Bureau's policy with regard to making current informants available for testimony in security cases.

1. Whenever the Department is considering initiating a security prosecution, Departmental attorneys select from our prosecutive summary reports and investigative reports those informants who appear to possess the best evidence to establish the particular violation. The Department then inquires of the Bureau as to the availability of these informants. In most instances, a number of current informants are included in this inquiry.
2. When the inquiry concerns the availability of such highly-placed informants as CG-5824-S, NY-694-S, or [redacted] we reply that these informants are of extreme value on a national and international level and that their use as witnesses would have an extremely serious effect on our security coverage. We indicate that these informants are not available for interview or testimony. 100-418105
3. With reference to all other valuable current informants, we advise the Department that its inquiry includes certain current informants who are furnishing valuable information in connection with our security coverage but that if the testimony of one or more of these current informants is deemed essential to a successful prosecution, the Bureau should be so advised. At this time no other information is furnished to the Department concerning these present informants.

cc: Mr. Boardman
 Mr. Belmont
 Mr. Baumgardner
 Mr. Bibler
 Mr. Thornton

THE 8 5 23 AM 22
 FBI - WASH D C
 REC'D. DIRECTOR
 7-9-55

59 AUG 23 1955
 EBR:nbs:imd (7)

Memorandum for Mr. Boardman

It is pointed out that while we do not identify the informant by name in any written communication to the Department, the nature of the information listed as to each informant (see number 4) is such that a reasonably intelligent person could, with the aid of some independent investigation, probably determine the identity of the informant.

ACTIONS:

This memorandum has been prepared pursuant to the Director's request.

And this goes not only to Internal Security Div. of Dept but to the Board Division At the Dept I originally no one knows who nor how many see it.

K.

28

BB

Mr. Billie
Deputy Atty General

Boardman
Belmont
McInturff

JULY 21, 1955

Director, FBI

DEPARTMENTAL COMMITTEE
ON SECURITY WITNESSES

DECLASSIFIED BY
ON 10-14-99

b6 b7C b7D

901820

Reference is made to the minutes of the July 7, 1955, meeting of the above Committee, during which the report of the Internal Security Division of the Department concerning the Pittsburgh Smith Act case was considered.

In connection with the use of Matthew Cuetie as a witness at the Pittsburgh Smith Act trial, it is noted that the minutes reflect that "The Federal Bureau of Investigation advised that while Cuetie was an informant for the Bureau, the Bureau was sure of the information he furnished and would vouch for the accuracy thereof."

Your attention is directed to my memorandum to the Attorney General dated March 31, 1955, captioned "Ex-Communists as Witnesses" in which it was pointed out with reference to both Matthew Cuetie and [redacted]

[redacted] that both of these individuals furnished information to the FBI as informants for a number of years, and that information furnished by them while they were in informant capacities was cross-checked and much of it was verified by other sources. It was further pointed out that there has been no positive indication that either Cuetie or [redacted] furnished unreliable information. Thus, while this Bureau makes every effort to cross-check and corroborate information furnished by informants, it is not always possible to do so and we are not, therefore, in a position to be sure of all information furnished by our informants or to vouch for its accuracy.

RECORDED-92/00-418705-64

2 cc - Assistant Attorney General
William F. Tompkins CDT-X

2 cc - Assistant Attorney General
Garrett Vinney III

2 cc - Commissioner

Immigration and Naturalization Service

NOTE: Attachment to memo from Mr. Belmont to Mr. Boardman dated July 20, 1955, same caption. GFM:pjm:jmd

GFM:nbs/116

✓ (12)

COMM — FBI

JUL 22 1955

MAILED 24

Tolson _____
Boardman _____
Nichols _____
Belmont _____
Harbo _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Sizoo _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

RECD JUL 25 1955

b6
b7C
b7D

Office Memorandum • UNITED STATES GOVERNMENT

b6
b7C
b7D

TO : Mr. A. Rosen *RS*

FROM : Mr. C. H. Stanley *CHS*

SUBJECT: EX-COMMUNISTS AS WITNESSES

DATE: June 17, 1955

Tolson _____
 Boardman _____
 Nichols _____
 Belmont _____
 Harbo _____
 Mohr _____
 Parsons _____
 Rosen *R* _____
 Tamm _____
 Sizoo _____
 Winterrowd _____
 Tele. Room _____
 Holloman _____
 Gandy _____

AAG Tompkins requested in memo dated 6-15-55, list of Loyalty and Security of Government Employees cases in which information obtained from [] appears in reports. Director has noted on memo (see attached) "OK. But don't do any work or searching which properly should be done by Int. Security Div. H."

Info re [] already furnished Department in memo dated 3-2-55.

[]
 []

Attached is air-tel to Los Angeles instructing that office to identify SGE and LGE cases containing info from []. Since Bureau not fully aware of extent of file review required for Los Angeles to obtain data, air-tel contains instructions to advise Bureau of any problems encountered. In this connection it is noted, that it is anticipated that the bulk of cases containing info from [] will be those in which his info used to document individuals other than the employee mentioned in SGE and LGE reports. Identifying such instances will no doubt be the biggest problem in compiling the list requested by Tompkins.

RECOMMENDATION:

That, if you approve, attached air-tel be forwarded.

cc: Mr. Belmont

cc: 100-351082

Enclosures

JRS:mlb *mlb*
 (9)

RECORDED - 14

100-418105-65

21 JUL 21 1955

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 8-5-80 BY SP-1

58 JUL 27 1955 *f38*
 58 JUL 28 1955

UNRECORDED COPY FILED IN 108-1-351082

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: July 20, 1955

FROM : Mr. A. H. Belmont

SUBJECT: DEPARTMENTAL COMMITTEE
ON SECURITY WITNESSES

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-14-99 BY 60267 NIS/EP/DO 901820

G. I. R. -1

Tolson _____
 Boardman _____
 Nichols _____
 Belmont _____
 Harbo _____
 Mohr _____
 Parsons _____
 Rosen _____
 Tamm _____
 Sizoo _____
 Winterrowd _____
 Tele. Room _____
 Holloman _____
 Gandy _____

The minutes of the meetings of the above Committee on July 7 and 12, 1955, have been received and reviewed.

Meeting of July 7, 1955

At this meeting, the report of the Internal Security Division concerning the Pittsburgh Smith Act case, in which Matthew Cuetic and [redacted] testified, was considered. It was pointed out that full attention was given to the question of Cuetic's credibility prior to the trial. Attempts were made to supplant him as a witness but his use was necessary. It was further pointed out that the FBI advised that, while Cuetic was an informant for the Bureau, the Bureau was sure of the information he furnished and would vouch for the accuracy thereof. Therefore, Cuetic's testimony in this trial was limited to information he had furnished the Bureau while an informant. In addition, his evidence was substantially corroborated by informants unavailable to testify.

b6
b7C
b7D

[redacted]
 The Committee tentatively approved the recommendation of the Internal Security Division that the Pittsburgh Smith Act case not be reopened.

The Committee considered the report of the Internal Security Division concerning the Civil Rights Congress hearings before the Subversive Activities Control Board (SACB) in which Matthew Cuetic testified. Although Cuetic gave substantial testimony concerning an important chapter of the Civil Rights Congress, his testimony was limited to information he had furnished while an informant and, in addition, Cuetic's testimony

cc - Mr. Boardman

RECORDED - 44-100-418105-66

Mr. Belmont

7751 EX-104

Mr. Baumgardner

27 JUL 26 1955

Mr. McInturff

Enclosure ~~see~~ 7-22-55-121

GFM:pjm:imd

57 AUG 2 1955

75

Memorandum for Mr. Boardman

was corroborated generally by testimony of other witnesses concerning other chapters of the organization. The Committee tentatively approved the recommendation that this case not be reopened.

The Committee considered the report of the Internal Security Division concerning the Labor Youth League (LYL) case before the SACB, in which Cuetic and Harvey Matusow testified as witnesses, and the cases of the Communist Party (CP), National Council of American-Soviet Friendship, Inc., and the Veterans of the Abraham Lincoln Brigade (VALB) before the Board, in which Matusow testified. The Committee decided that Cuetic's testimony in the LYL case was not vital, was corroborated generally and was consistent with information furnished while an informant. The Committee noted that the Board disregarded Matusow's testimony re the LYL *en toto*. Concerning the CP case, Matusow gave only minor testimony and before the court of appeals, the Government took the position that his testimony could be disregarded *en toto* without impairing the Government's case. The court of appeals sustained the Government's case. In the National Council of American-Soviet Friendship and the VALB cases, the Committee noted that the Board, in its recommended decisions, had stated that Matusow's testimony was disregarded *en toto*. The Committee tentatively approved the recommendations of the Internal Security Division that these cases not be reopened.

Meeting of July 12, 1955

During this meeting, the Committee considered various reports of the Immigration and Naturalization Service concerning deportation cases in which Harvey Matusow and Frank Lowell Watson testified. Inasmuch as these are of no immediate importance to the FBI, they are not being reviewed herein; the names will, of course, be indexed for reference purposes.

ACTION:

This is for your information. With reference to the statement appearing in the minutes of the July 7, 1955, meeting of the Committee that the FBI advised that while Cuetic was an informant, the Bureau was sure of the information he furnished and would vouch for the accuracy thereof, it is felt that this is very poor terminology since we do not vouch for the accuracy

Memorandum for Mr. Boardman

of information furnished by our informants. There is attached a letter to Deputy Attorney General William P. Rogers, under whom this Committee functions, with copies for Assistant Attorney General William F. Tompkins, Assistant Attorney General Warren Olney III, and Immigration and Naturalization Service, reiterating what we have previously said concerning information furnished to us by Cuetic while he was an informant.

✓ *BK* *PAB* *GPM*
bk

OK *✓* *✓*

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman *SV*

DATE: July 15, 1955

FROM : Mr. A. H. Belmont *AB*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 6D967NIS/EP/DO

SUBJECT: ~~RELEASING CURRENT CONFIDENTIAL
INFORMANTS FOR TESTIMONY IN SECURITY CASES~~

901820

Tolson	_____
Boardman	_____
Belmont	_____
Hebe	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Sisco	_____
Winterrowd	_____
Tele. Room	_____
Walters	_____
Candy	_____

Supervision - Security Informants -

Pursuant to the Director's instructions, a running memorandum is being initiated concerning the use of current confidential informants as witnesses in security prosecutions. This memorandum, to be submitted by the fifteenth of each month hereafter, will reflect the following data:

1. The number of current confidential informants already exposed as witnesses.
2. The number of current confidential informants whose background and value have been furnished to the Department for its decision as to use as witnesses in pending prosecutions and prosecutions currently under consideration.
3. The number of current confidential informants who have been made available for interview by Departmental attorneys in pending prosecutions and prosecutions currently under consideration.
4. The number of current confidential informants whose availability for possible use as witnesses has been inquired into by the Department in pending prosecutions and prosecutions currently under consideration.

Under each of the above categories, the number of informants will be broken down as to the various types of cases involved such as Smith Act trials, Subversive Activities Control Board hearings, Labor Management Relations Act cases, etc., etc.

RECORDED - 94 *6-20-55* - 161

Attached hereto is a chart reflecting the status of this matter as of July 15, 1955. INDEXED - 94 *11 JUL 20 1955*

ACTION:

FX-125W 11-20-55

This memorandum will be kept up-to-date by the preparation of a current statistical chart reflecting the status as of the fifteenth of each month hereafter. *DN*

Enclosure *EX-125W*

cc: Mr. Baumgardner

Mr. Baumgardner

Mr. Branigan

Mr. Donohue

① Ex-Communists As White Slaves

1100-418105-
NOT RECORDED
71 SEP 30 1955

✓ ERIC

68 OCT 3 1955 X382

ORIGINAL FILE IN

66-6200-134-#61

RELEASING CURRENT CONFIDENTIAL
INFORMANTS FOR TESTIMONY IN
SECURITY CASES

1.	<u>CURRENT CONFIDENTIAL INFORMANTS EXPOSED AS WITNESSES:</u>	39
(a)	Smith Act Trials	33
(b)	Subversive Activities Control Board Hearings	3
(c)	Labor Management Relations Act Cases	2
(d)	Nationalist Party of Puerto Rico Trials.	1
2.	<u>CURRENT CONFIDENTIAL INFORMANTS WHOSE BACKGROUND AND VALUE HAVE BEEN FURNISHED TO THE DEPARTMENT FOR ITS DECISION AS TO USE AS WITNESSES:</u>	12
(a)	Smith Act Trials	10
(b)	Subversive Activities Control Board Hearings	2
3.	<u>CURRENT CONFIDENTIAL INFORMANTS MADE AVAILABLE FOR INTERVIEW BY DEPARTMENTAL ATTORNEYS:</u>	2
(a)	Smith Act Trials	2
4.	<u>CURRENT CONFIDENTIAL INFORMANTS WHOSE AVAILABILITY FOR POSSIBLE USE AS WITNESSES HAS BEEN INQUIRED INTO BY THE DEPARTMENT:</u>	82
(a)	Smith Act Trials	31
(b)	Subversive Activities Control Board Hearings	46
(c)	Administrative Hearing Re Independent Socialist League.	5

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60367NIS/EP/DO
901820

66-6200-134-161
ENCLOSURE

~~CONFIDENTIAL~~

Mr. Boardman
Mr. Belmont
Mr. Reddy

THE ATTORNEY GENERAL

June 29, 1955

Director, FBI

DECLASSIFIED BY 60267 NISIEP100
ON 10-14-99

~~RELEASING CURRENT CONFIDENTIAL
INFORMANTS FOR TESTIMONY IN
SECURITY CASES~~

901820

C Supervision - Sec. Inpts.

In connection with the problem of the use of informants as witnesses in security cases, I thought you would be interested in the most recent correspondence between Assistant Attorney General Tompkins and this Bureau.

Enclosures (2)

200 - Mr. William P. Rogers (With ~~Indicates~~ - 2)
Deputy Attorney General

EBR:nbs:pjm
(8)

RECORDED - 87

INDEXED - 87

66-6200-232-15

JUL 29 3 30 PM '55
RECEIVED READING ROOM
FBI-BALTIMORE - DIVISION B.I.
U.S. DEPT. OF JUSTICE

21 JUL 1 1955

EX. - 113

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JUN 29 1955 FBI-BALTIMORE

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JUN 29 1955 FBI-BALTIMORE

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Winterrowd _____
Tele. Room _____
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Gandy _____

9 JUL 7 1955 EBS 64H.22

COMM - FBI JUSTICE
JUN 29 1955
MAILED 31

~~CONFIDENTIAL~~

① Ex-Commodore AS MATHEWS

1100-418105✓
NOT RECORDED
27 SEP 30 1955

8 OCT 3 1955 ✓

ORIGINAL FILE IN

66-6200-134-152

Office Memorandum

UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman.

DATE: June 24, 1954

FROM : Mr. A. H. Belmont.

SUBJECT: ~~RELEASING CURRENT CONFIDENTIAL
INFORMANTS FOR TESTIMONY IN SECURITY CASES~~

The Director has requested that a chart be prepared setting out the number of current confidential informants who (1) have been exposed through testimony at security trials, (2) have been made available for testimony at forthcoming pending trials; ~~and~~ (3) have been requested for testimony in connection with proposed trials and who have been made available for interview only, and (4) whose availability has been the subject of inquiry.

Such a chart has been prepared and is attached hereto. It is noted that the figures are subject to change from time to time as trials get under way and new prosecutions are initiated, or come under active consideration. The attached chart is current as of June 23, 1955.

It is further noted that the third category includes those current confidential informants who have been made available for interview only by Departmental attorneys in connection with proposed trials. This category does not include the necessarily large number of current informants whose availability is generally inquired into at the time the Department first advises the Bureau of a prosecutive interest in a certain case. This initial inquiry involving the identities and availability of numerous T-symbol informants listed in the prosecutive reports is a necessary step which enables the Department to determine whether there is a sufficiently strong case with the testimony of the available discontinued informants or whether it will be necessary to specifically request permission to interview certain current informants.

ACTION:

~~ENCL~~ The requested chart is attached in accordance with the Director's instructions.

24 Enclosure 29

cc -	Mr. L. E.	Boardman
cc -	Mr. A. H.	Belmont
cc -	Mr. F. J.	Baird
cc -	Mr. J. D.	Denehue
cc -	Mr. W. C.	Thornton
cc -	Mr. E. B.	Reddy

RECORDED - 24

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
JUL 1 1955
100-11878

63 JUNE 13 1955

① EX-COMMUNISTS AS WITNESSES

ENCL

1100-418105-✓
NOT RECORDED
71 SEP 30 1955

68 OCT 3 1955 *[Signature]*

ORIGINAL FILE IN

66-6200-134-157

CATEGORIES	SMITH ACT TRIALS	SUBVERSIVE ACTIVITIES CONTROL BOARD HEARINGS	IMMIGRATION AND NATURALIZA- TION HEARINGS	LABOR MANAGEMENT RELATIONS ACT TRIALS	NATIONALIST PARTY OF PUERTO RICO TRIAL	TOTALS
1. CURRENT INFORMANTS ALREADY EXPOSED THROUGH TESTIMONY.	33	3	0	2	1	39
2. CURRENT INFORMANTS NOT YET EXPOSED BUT WHO HAVE BEEN MADE AVAIL- ABLE FOR TESTIMONY AT SCHEDULED PROSECUTIONS.	9	2	1	0	0	12
3. CURRENT INFORMANTS WHO HAVE BEEN REQUESTED IN CONNECTION WITH PROPOSED PROSECUTIONS AND WHO HAVE BEEN MADE AVAILABLE FOR INTER- VIEWS ONLY.	9	1	0	0	0	10
4. CURRENT INFORMANTS WHOSE AVAILABILITY HAS BEEN INQUIRED INTO BY THE DEPARTMENT WITH RESPECT TO PENDING AND PROPOSED PROSECUTIONS, BUT WHO HAVE NOT AS YET BEEN MADE AVAILABLE FOR INTERVIEW.	71	122			ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-14-97 BY SP67 MEG/JB 001820	71 132

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

FROM : MR. A. H. BELMONT

SUBJECT: ~~RELEASING CURRENT CONFIDENTIAL
INFORMANTS FOR TESTIMONY IN SECURITY CASES~~

DATE: June 13, 1955

90182D

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HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60267NIS/EP/DO

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Mahan

Reference is made to my attached memorandum dated May 18, 1955, which sets out the number of current Bureau informants exposed through testimony at Smith Act and other security prosecutions; the number made available in connection with pending prosecutions; the number made available in proposed prosecutions and the number whose availability to testify in pending or proposed trials had been inquired into by the Department, but who had not been made available as of that time.

These figures were used by the Director during the recent Attorney General's Staff Conference at Quantico and, as reflected in the Director's memorandum dated May 25, 1955, the Conference was briefed by the Director as to this problem of the disclosure of FBI informants through testimony in Smith Act or other security trials. The Director pointed out that the disclosure of these informants was creating a problem which was becoming more acute to the proper functioning of the Bureau in the internal security field.

The Director's memorandum of May 25, 1955, pointed out that as a result of his, the Director's, comments, the Attorney General indicated that he thought it would be desirable before any Smith Act cases were initiated which would involve the disclosure of current Bureau informants, these cases be submitted to him for consideration. The Attorney General indicated he would desire to confer with the Deputy Attorney General, the Assistant Attorney General in charge of Internal Security, and the Director, before a final decision would be made as to the disclosure of FBI informants to testify at security trials.

Since the Quantico Conference the Bureau has answered further inquiries from the Department as to the availability of 12 additional current informants in connection with the proposed ~~prosecutions under the membership provision of the Smith Act of~~

and [redacted]

SEARCHED-35

INDEXED-35

Attachments *see*ct 6-13-55

cc: Mr. Boardman

Mr. Belmont

55 JUN 22 1955

Mr. Donohue

EBR:JDD:de (5)

EX-106

6 JUN 21 1955

b6
b7C

① Ex- commands AS witness &

100-4181051 ✓
SEARCHED
71 SEP 30 1955

68 OCT 3 1955 *[Signature]*

ORIGINAL FILE IN 66-6200-134-52

MEMORANDUM FOR MR. BOARDMAN

availability has been inquired into by the Department in connection with pending or proposed trials has been reduced from 117 to approximately 59. This reduction was occasioned by the Department's recent decision not to seek a reindictment in the Cleveland Smith Act conspiracy trial and through an apparent re-evaluation of the current informants necessary for testimony in the proposed Richmond, San Francisco, and Portland Smith Act conspiracy prosecutions.

RECOMMENDATION:

Since it is essential that the Bureau not be bled white of its informant coverage, which is vital to the Bureau's continued operation in the internal security field, it is recommended that the attached memorandum be transmitted to the Attorney General, Deputy Attorney General Rogers, and Assistant Attorney General Tompkins, again emphasizing that most careful consideration be afforded any proposed disclosure of valuable current confidential informants of the Bureau.

~~CONFIDENTIAL~~

cc - Mr. Boardman
 cc - Mr. Belmont
 cc - Mr. Baumgardner
 cc - Mr. Donohue
 cc - Mr. Thornton
 June 29, 1955
 cc - Mr. Reddy

Assistant Attorney General
 William F. Gom�ine

100-41810-5 ✓

Director, FBI

66-200-134-159

RECORDED-7A
 RELEASING CURRENT CONFIDENTIAL INFORMANTS
 FOR TESTIMONY IN SECURITY CASES

DECLASSIFIED BY 60267 NIS/EPIDD
 ON 10-14-99

901820

Reference is made to your memorandum of June 24, 1955, in which you commented upon the damaging effect previous Smith Act prosecutions have had upon the operations of the Communist Party, USA, and indicated that the Department intends to continue a vigorous program of prosecution against the top-level leadership of the Communist Party, USA.

It is true that Smith Act prosecutions have had a deleterious effect on the operations of the Communist Party, USA. This Bureau has thrown the full weight of its support to these prosecutions through our investigations and the fact that we have made available as witnesses highly valuable confidential informants at a considerable sacrifice to our over-all informant coverage. We have also effected severe damage to the Communist Party through penetration of the Party and its underground apparatus, no small part of which is due to our informant program.

With respect to any future prosecutions under the Smith Act, I am of the very definite opinion that future defendants must be top leaders of the open Communist Party or the Communist underground apparatus. In addition, the over-all value of the prosecution must be most carefully weighed against our loss of coverage in the internal security field through the use of valuable confidential informants of the Bureau as witnesses.

Future prosecutions under the Smith Act of lesser functionaries could well result in reversal

MAILED 2
 JUN 29 1955
 COMM-FBI

NOTE ON YELLOW: Enclosure to memo to Mr. Boardman from Mr. Belmont dated 6/28/55, same caption, FJB:nbs.
 JUN 29 1955
 100-684-22

FJB:pjm
 (9)

JUL 13 1955

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63 JUL 13 1955
~~CONFIDENTIAL~~

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~~CONFIDENTIAL~~

Memorandum for Assistant Attorney General
William F. Tompkins

by the Supreme Court or the Circuit Courts of Appeals even though a conviction might be obtained in District Court. In this connection, I have noted the very light sentences recently imposed on the nine defendants in the Philadelphia Smith Act case and the remarks of United States District Judge Coney, who sentenced the defendants, to the effect that they were local Communist Party members operating under Party discipline.

With this in mind, I cannot stress too strongly the absolute necessity for careful selection of future Smith Act defendants and, before prosecution is initiated, a most careful evaluation must be made of the FBI informants who are to be used as witnesses in order that it can be determined whether a greater benefit will result to the security of the country through prosecution or through preservation of our informants. This is, of course, a decision which the Department will have to make.

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, Federal Bureau of Investigation

FROM : William F. Tompkins, Assistant Attorney General
Internal Security Division

SUBJECT: RELEASING CURRENT CONFIDENTIAL INFORMANTS
FOR TESTIMONY IN SECURITY CASES

DATE:

Mr. Tolson
Mr. Boardman
Mr. Nichols
Mr. Tamm
Mr. Mohr
Mr. Parsons
June 24 1955
Mr. Tamm
Mr. Sizoo
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

~~CONFIDENTIAL~~

Reference is made to your memorandum of June 13, 1955, to the Attorney General, wherein you urge that the most careful consideration be afforded to the proposed disclosure of valuable current confidential informants of the Bureau in connection with proposed prosecutions.

This Division has always been acutely aware of its responsibilities in prosecuting subversives to balance most carefully the desirability and necessity for the particular prosecution with the necessity for continued and complete intelligence coverage by the Bureau. I know of no instance in which the Bureau's views with regard to the availability of a particular current confidential informant to testify in a criminal prosecution have not received the full and unqualified support of this Division. In some instances this Division has foregone the prosecution of certain Communist Party functionaries because of our recognition that the benefits to be gained by prosecution were outweighed by the resulting loss of coverage from an intelligence standpoint.

There can be but little question that the most severe blow dealt to domestic Communism has been the successful prosecution of eighty-eight Communist Party leaders for violation of the Smith Act. These prosecutions, in widely scattered and key areas of the United States, have been a constant drain on the Party's financial resources, and have deprived the Party of much of its most powerful leadership. In addition, such prosecutions have caused considerable confusion within the ranks of the Party and have instilled fear and uncertainty in many of its members.

It must, of course, be recognized that although many of the less devoted Marxists have ceased their Party activities, the hard core Communists have remained dedicated to the cause. Today there are still over 22,000 active members of the Communist Party extending their influence into numerous front organizations and the various educational and economic fields.

In view of the foregoing considerations, this Division feels compelled to continue a vigorous program of prosecution against the top-level Party leadership in an effort to reduce the influence of the Communists in this country. This Division

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REC'D BY AGENT REC'D BY AGENT
~~CONFIDENTIAL~~

EX-100

INDEXED-74

① FA - Communist & AS White 55 - 2

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71 SEP 30 1955

ORIGINAL FILE NO.

66-6200-134-159

~~CONFIDENTIAL~~

- 2 -

concurs fully with your view that there must be a balance maintained between continued intelligence coverage and the institution of additional prosecutions. To this end, therefore, we will continue in all respects our policy of weighing and evaluating prospective prosecutions of Communist Party functionaries in the light of the possible adverse impact which the disclosure of the confidential informants may have upon the continuance of the Bureau's essential intelligence operations.

~~CONFIDENTIAL~~

CC: BOARDMAN
BELMONT
DDY, DONOHUE

Juno 13, 1955

THE ATTORNEY GENERAL

DIRECTOR, FBI

~~RELEASING CURRENT CONFIDENTIAL
INFORMANTS FOR TESTIMONY IN
SECURITY CASES~~

DECLASSIFIED BY 60267 NIS/EP/DO
on 10-14-99

901820

During your recent Staff Conference at Quantico, I particularly stressed a problem which is becoming more acute in connection with the proper functioning of the FBI in the internal security field. This problem involves the disclosure of FBI informants in conformance with the Department's desire to utilize such informants as witnesses in Smith Act cases; before the Subversive Activities Control Board; in Immigration and Naturalization Service proceedings; and at other security trials.

At that time I advised you that 39 valuable current confidential informants of this Bureau had been exposed through testimony; an additional 14 had been made available for testimony at forthcoming trials and hearings; an additional two had been made available in connection with proposed prosecutions; and that initial inquiries had been received from the Department as to the availability of 117 additional informants in connection with both pending and proposed prosecutions. Since the Quantico Conference the Bureau has answered further inquiries from the Department as to the availability of 12 additional current informants in connection with the proposed prosecutions under the membership provision of the Smith Act of [redacted]

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COMM-F

This raises a question as to the balance between the intelligence coverage of the FBI and prosecutions. I cannot too strongly urge that the most careful consideration be afforded the proposed disclosure of a valuable current confidential informant to this Bureau.

It is axiomatic that each disclosure of a confidential informant of this Bureau reduces the highly essential intelligence coverage which this Bureau must maintain in the internal security field.

Tolson
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Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

cc: Mr. William P. Rogers
Deputy Attorney General
cc: Assistant Attorney General William F. Tolson

BFR:JDD:de (9)
Cover memo to Boardman from Belmont, Same re date,
and initials BFR:JDD:dc.

59 JUN 20 1955 6 11 1984 -CONFIDENTIAL-

RECORDED & INDEXED 6/20/55
INDEXED 6/20/55 600N

JUN 16 1955

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① Ex- Communists AS WITNESSES

1100-418105-✓
NOT RECORDED
71 SEP 30 1955

680CT3-1955. f8 ✓

ORIGINAL FILE IN
66-6200-134-147

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. Rosen *fs*FROM : Mr. C. H. Stanley *CHS*

SUBJECT: EX-COMMUNISTS AS WITNESSES

DATE: June 21, 1955

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60267 NIS/EP/DO
901820

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Assistant Attorney General Tompkins has requested (see copy of attached memorandum from Tompkins dated 6-15-55) list of Loyalty and Security of Government Employees cases in which info obtained from [redacted] appears in reports.

By memorandum 3-2-55, Attorney General, Mr. Rogers, and Mr. Tompkins were each furnished list of employees security cases containing information from both [redacted] and Harvey Marshall Matusow.

[redacted]
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[redacted]
Los Angeles by airtel 6-17-55, has been instructed to take appropriate steps to identify all LGE and SGE cases containing information from [redacted] and to submit list of such cases to Bureau at earliest possible date. Bureau also checking indices in effort to identify pertinent cases.

This matter being handled on expedite basis and list of pertinent cases will be furnished Tompkins as soon as possible.

RECOMMENDATION:

That, if you approve, attached memorandum be forwarded to Tompkins, advising him that Department has already been advised of employees security cases containing info from [redacted] and that list of cases containing info from [redacted] is being compiled pursuant to his request. *100-478105 69*

Enclosures

RECORDED .71

cc: (1) Mr. L. B. Nichols, Room 5640
(1) Mr. A. H. Belmont, Room 1742
(1) 100-351082

27 JUL 22 1955

JRS:baj:mlb/mlb
(10)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-5-80 BY SP

65 JUL 22 1955 JRS

9SK/SP

UNRECORDED COPY FILED IN 102-351082

L. V. BOARDMAN

July 14, 1955

A. H. BELMONT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60267NIS/EP/DP

INTERNAL SECURITY - R

901820

Purpose of memorandum is to advise that on 6-29-55 Bureau sent letter to Department advising of derogatory information on [redacted] who was being considered as a witness in denaturalization proceedings against the subject. Department replied on 7-12-55 that it assumed we made this information available to United States Attorney, Baltimore, Maryland, where proceedings are to take place. Information not furnished to United States Attorney, Baltimore.

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Subject was a CP organizer during [redacted] and was allegedly expelled from CP in [redacted]. Immigration and Naturalization Service has instituted denaturalization proceedings against subject.

By letter dated 6-6-55 Pittsburgh office furnished information concerning [redacted] who, according to United States Attorney's office, Baltimore, Maryland, was being considered as a witness in denaturalization proceedings against subject. Information included [redacted] discharge from employment in 1944 due to drunkenness, being arrested in 1946 on charge of receiving stolen property and being included on a list of sources which INS considered to be unreliable or of questionable reliability.

(Information developed as result of investigation to determine if [redacted] suitable to be used as confidential source of information. He is not so used.) Derogatory information on [redacted] furnished to Deputy Attorney General Rogers, Assistant Attorneys General Olney and Tompkins, and to General Swing, Immigration and Naturalization Service, on 6-29-55. A copy of this memorandum also sent to Baltimore office for its information.

By memorandum 7-12-55 AG Olney referred to our memorandum of 6-22-55, stating "We assume that, in accordance with our memorandum dated May 24, 1955, subject Ex-Communists as witnesses, the information concerning the prospective witness [redacted]

100-347236

Enclosure

cc - 1 - 100-416105

Recipients: Mr. Boardman
Mr. Belmont
Mr. Branigan
Mr. Schroeder

RIS:sgs

(6) 197

64 JUL 26 1955

100-418105-
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170 JUL 19 1955

IN FILE ON ORIGINAL

Memorandum for Mr. Boardman

[redacted] has also been supplied to the United States Attorney at Baltimore, Maryland." The Department's memorandum of 5-24-55 requested that central indices checks made on certain witnesses by Bureau, in response to request by United States Attorneys, be furnished to the United States Attorney making the request rather than to the Department. This is being complied with and instructions were issued to the field in this matter in accordance with SAC Letter No. 55-20 dated 6-21-55.

The derogatory information on [redacted] was not furnished to the United States Attorney, Baltimore, since this information was not being supplied as a result of a request and since the denaturalization proceedings against subject were instituted by the Immigration and Naturalization Service.

RECOMMENDATION:

That the attached letter be sent to LAG Diney with a copy for AAG Tompkins advising that we did not inform the United States Attorney at Baltimore of information in our memorandum of 6-29-55 concerning [redacted] since this information did not result from a request by the United States Attorney and since the denaturalization proceedings against the subject were instituted by the Immigration and Naturalization Service. Attached letter also advises that we have no objection if the information is furnished to the United States Attorney, Baltimore, Maryland.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. Rosen
 FROM : Mr. C. H. Stanley
 SUBJECT: EX-COMMUNISTS AS WITNESSES

DATE: July 1, 1955

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 Boardman _____
 Nichols _____
 Belmont _____
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 Sizoo _____
 Winterrowd _____
 Tele. Room _____
 Holloman _____
 Gandy _____

PURPOSE:

To advise that thirteen LGE and SGE cases have been identified as containing information from [redacted].

* Loyalty of Government Employees
 ** Security of Government Employees

BACKGROUND:

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 b7D

By memorandum 6/15/55, Assistant Attorney General Tompkins requested list of LGE and SGE cases containing info furnished by [redacted]. By memorandum 6/21/55, Tompkins was advised that info re [redacted] had been furnished to Department on 3/2/55, and that info re [redacted] was being compiled.

Thirteen LGE and SGE cases have been identified by Bureau and LA as containing information furnished by [redacted]. In no instance did that information pertain to subject of investigation, but was used to characterize relatives, associates, etc., of employee involved or an organization.

COMMENT:

Cases identified by Bureau obtained by searching over 1500 names (obtained from informant reports submitted by [redacted] through Bureau indices for references in LGE and/or SGE classifications. Thereafter, references reviewed to determine whether indexed information was furnished by [redacted].

Enclosures sent 7-5-55 RECORDED 100-35105-10
 cc: (1) Mr. L. B. Nichols, Room 5640 27 JUL 22 1955
 (1) Mr. A. H. Belmont, Room 1742
 100-351082

JRS:baj
 (10)

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 8-5-80 BY 891694

Y5K/ASD

Memorandum for Mr. Rosen

Los Angeles in transmitting list did not indicate manner in which that office identified the cases listed.*

Since attached list not compiled as result of physical search of each and every LGE and SGE file at Bureau, it cannot definitely be said to be all inclusive. Consequently, Tompkins being advised that, in event additional cases are located in future, Department will be so advised.

RECOMMENDATION:

That, if you approve, attached memorandum and list be forwarded to Department.

RJM ✓ ✓ ✓

OK

* Los Angeles being advised to notify Bureau in event additional cases located in future.

Assistant Attorney General
William F. Tompkins

Mr. Rosen
Mr. Malley
Mr. Stanley

June 21, 1955

RA
Director, FBI

O
EX-COMMUNISTS AS WITNESSES

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 10-14-99 BY 60267 NIS/EP/DO

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Reference is made to your memorandum dated June 15, 1955, in which you request a list of the Loyalty and Security of Government Employees cases in which information obtained from [redacted] appears in the investigative reports.

Your attention is invited to my memorandum to the Attorney General dated March 2, 1955, captioned "Ex-Communists As Witnesses." With that memorandum there was transmitted a list of Employees Security cases containing information furnished by [redacted] and Harvey Marshall Matusow.

Identification of the Loyalty and Security of Government Employees cases in which information from [redacted] appears in investigative reports has been initiated. You will be furnished the list of such cases as soon as possible.

cc: (1) 100-351082

Cover memorandum from Stanley to Rosen, dated 6/17/55,
same caption, JRS:baj

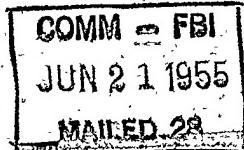
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(8)

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JUL 27 1955

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ALL INFORMATION CONTAINED
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DATE 8-5-80 BY SP

AUG 1 1955

DSK/loop

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: August 3, 1955

FROM : MR. A. H. BELMONT

SUBJECT: DEPARTMENTAL COMMITTEE
ON SECURITY WITNESSES.

The minutes of the meetings of the above Committee on July 26 and 28, 1955, have been received and reviewed.

Meeting of July 26, 1955

At this meeting the Committee considered various reports of the Immigration and Naturalization Service concerning deportation cases in which [redacted] testified. Since these cases are of no immediate importance to the FBI, they are not reviewed herein; the names will, of course, be indexed for review purposes.

Meeting of July 28, 1955

No 1cc
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60267 NIS/EP/DO
901820

Mr. Koffsky submitted to the Committee a report and recommendation of the Internal Security Division regarding the New York Smith Act case of U.S. v. Flynn, Et Al, and the false statement prosecution in El Paso, Texas, U. S. v. Jencks, in which Harvey Matusow testified as a Government witness.

In these cases, Matusow, in affidavits which were filed in support of motions for new trials, recanted prior testimony he had given as a Government witness. On the basis of these affidavits, the trial courts held hearings on the motions. In the Flynn case, the court granted defendants Trachtenberg and Charney a new trial and denied the motion for new trial as to the remaining eleven convicted defendants. In the Jencks case, the court denied the motion for new trial and held Matusow in contempt for deliberately scheming to obstruct justice by causing the affidavit to be filed in connection with the motion for new trial. The Committee approved the Internal Security Division recommendation that these cases not be reopened.

The Committee also considered reports of the Immigration and Naturalization Service concerning deportation cases in which [redacted] and Matthew Cvetic testified as Government witnesses. Since these are Immigration cases and have no direct connection with

cc: Mr. Boardman
Mr. Belmont
Mr. Baumgardner
Mr. Donohue

RECORDED-41

INDEXED-41

FILED

100-418105-72

16 AUG 9 1955

JDD:DE (5) 733

AUG 12 1955

MEMORANDUM FOR MR. BOARDMAN

the FBI, they are not reviewed herein, but the names will be indexed for reference purposes.

RECOMMENDATION

This is for your information.

JBB
JW

AT

Of Ex-communists as Witnesses

(Q) SECURITY PROSECUTIONS -- Reference is made to Section I, SAC Letter 55-45 dated July 12, 1955, captioned as above, in which it was pointed out that Bureau representatives are not to express to Departmental attorneys or United States Attorneys any opinion as to whether a security prosecution should be initiated or any opinion as to whether the loss of security coverage through the exposure of valuable confidential informants would be outweighed by the results of a successful security prosecution. It was further pointed out that it is the sole responsibility of the Department to decide whether a security prosecution should be initiated and whether current confidential informants should be exposed through testimony at such a prosecution.

In connection with the prosecutive-type reports which are prepared on Communist front organizations and on potential defendants in Smith Act, Labor Management Relations Act, fraud and perjury cases, it has been noted that certain field offices have adopted the practice of including a comment in the "Appendix-Witnesses" Section of these reports concerning the availability or unavailability of current confidential informants to testify. This practice should be immediately discontinued since, as pointed out above, the final decision as to whether a current informant testifies at a security trial is solely up to the Department.

In the future, a characterization such as the following should be used in the "Appendix-Witnesses" Section to describe current confidential informants whose identities are covered by T symbols: "T-1 is a current member of the Communist Party who is furnishing information to the FBI." No additional information need be set out concerning current informants since, at such time as the Department requests that a current informant be made available for interview, the Bureau will obtain from the field and submit to the Department detailed background information concerning the current informant involved.

The following procedure should be followed with reference to discontinued informants and all other potential witnesses, whether named or covered by T symbols. A statement should be included in the "Appendix-Witnesses" Section as to the known willingness or unwillingness of each to testify, as well as a brief statement as to background and a brief comment concerning any known factors which might affect credibility as a witness. It should be borne in mind that the "Appendix-Witnesses" Section of prosecutive-type reports is not removed when these reports are transmitted to the Department or to the appropriate United States Attorney. Therefore, extreme care should be used by the field in the preparation of the "Appendix-Witnesses" Section.

SAC LETTER NO. 55-51
8/2/55 346

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100-418105-1
NOT RECORDED
128 AUG 11 1955

61 AUG 16 1955
DATE 8/11/83 BY SP8 BY

ORIGINAL FILED IN
44-66-6

Original & 2cc-Cincinnati
cc - Mr. Hallerberg

SAC, Cincinnati (100-1631) [redacted]

August 1, 1955

Director, FBI (100-8558)

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[redacted]
**DISCONTINUED INS INFORMANT
INFORMATION CONCERNING
(INTERNAL SECURITY)**

OEX-COMMUNIST AS WITNESSES

Bufiles reflect that you are in receipt of a letter from INS, Cincinnati, dated May 18, 1955, reflecting that the captioned individual is now considered by INS to be unreliable and of questionable credibility.

In the event [redacted] is ever considered as a witness, the information contained in the above INS letter should be called to the attention of the appropriate office.

cc - Bufile 100-418105

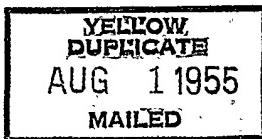
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60267NIS/EP/DO

901820

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Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____



100-418105-
NOT RECORDED
159 AUG 5 1955

58 AUG 9 1955
F263

ORIGINAL FILED IN 100-418105-21

cc - Mr. Hallerberg

SAC, Cleveland [redacted]

July 28, 1955

Director, FBI (100-188411)

EX-COMMUNISTS AS WITNESSES

[redacted]
DISCONTINUED INS INFORMANT
INFORMATION CONCERNING

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Relet from Detroit to Bureau dated July 12, 1955,
copy furnished to the Cleveland Office concerning captioned
individual.

In the event [redacted] is ever considered as a
witness, the information contained in referenced letter should
be called to the attention of the appropriate office.

Loc - Bufile 100-418105

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60267 NIS/EP/ODA
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100-418105-
NOT RECORDED
101 AUG 2 1955

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Holloman _____
Gandy _____



ORIGINAL FILED IN 100-188411-12

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. Rosen

DATE: July 27, 1955

FROM : Mr. C. H. Stanley

SUBJECT: [REDACTED]

FORMER BUREAU INFORMANT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 10-14-99 BY 60267 NIS/EP/00

Tolson	_____
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Nichols	_____
Belmont	_____
Harbo	_____
Mohr	_____
Parsons	_____
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Holloman	_____
Gandy	_____

BACKGROUND:b6
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901820

In connection with its study of "Ex-Communists as Witnesses," Department requested list of Security of Government Employees (SGE) and Loyalty of Government Employees (LGE) cases containing info furnished by [REDACTED]. List of thirteen such cases compiled as result of search at Los Angeles and at Bureau has been furnished to Department.

Although Department has not instructed that other agencies to whom reports in question have been furnished be advised of the reports containing info from [REDACTED] the thirteen files involved have been reviewed to determine whether such advice necessary. As result of review, it has been noted that none of the investigations was based on info from [REDACTED] and that [REDACTED] info contained in reports in no instance pertains directly to employee involved. In each case, [REDACTED] info is used to characterize some associate or relative of employee or some organization mentioned in report.

EXECUTIVE CONFERENCE OPINIONS:

regarding over-all question of advising agencies of identities of discontinued informants, on May 10, 1955, Executive Conference considered similar question regarding 123 individuals recently discontinued as informants due to their backgrounds, such as neurotic tendencies, poor criminal records, or some other trait which might render their future use as informants inadvisable. While [REDACTED] not discontinued for

100-351082

cc: (1) Mr. A. H. Belmont, Room 1745B 3-52 En 22

JRS:llp:baj
(7)AUG 11 1955
RECEIVED

Memorandum for Mr. Rosen

these reasons, it appears he would fall into this classification. Executive Conference observed instructions are outstanding that whenever an informant is discontinued, information furnished by informant should be reviewed for evidence purposes and if he is willing to appear, his availability should be made known in each case in which he has furnished information; but that in view of reasons for their discontinuance, it would seem inconsistent to furnish identities of the 123 individuals to Department and outside agencies. Conference unanimously recommended that identities of the 123 discontinued informants not be disclosed, but where imperative to divulge names of informants, each case should be considered on its individual merits. Conference noted these informants discontinued, not because they furnished unreliable information, but rather due to some personal weakness.

In addition, on 3/10/55, Conference considered question as to action to be taken relative to discontinued informants who, through their speech, writing, or actions raised a doubt as to their reliability subsequent to their discontinuance as informants. Conference unanimously recommended Bureau not attempt to go back and re-evaluate the reliability of a former informant with respect to information furnished by him while an informant, in absence of definite indication that informant furnished unreliable information to Bureau during that time. Conference felt Bureau does not have this responsibility since information, at time it was reported, was reported in good faith and is still accurate despite subsequent activities on part of informant. (As noted above, information furnished by [redacted] corroborated by other informants and found to be accurate, as far as possible).

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COMMENTS:

Since the Department has not instructed that other agencies be advised in this matter, since none of investigations was based on [redacted] info and none of his info relates directly to employee involved, and in view of the Executive Conference opinions set out above, it is not believed necessary for the Bureau to advise other agencies in this matter.



Memorandum for Mr. Rosen

RECOMMENDATIONS:

1. That, if you approve, other Government agencies not be advised, in this matter, in the absence of a specific request.

2. That, for record purposes, a memorandum be placed
in each pertinent file noting that the file contains information
furnished by [redacted]

JRM
jrm

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jrm

S.A.C. Letter # 55-45

7-12-55

Section I - Part 1

O Ex-Communist Witnesses

(I) SECURITY PROSECUTIONS -- I have recently had occasion to express to the Attorney General my concern relative to the number of valuable current confidential informants of the Bureau whose services are being lost as a result of their use as witnesses at Smith Act and other security trials and hearings.

Whenever the Department requests the Bureau to make a valuable current informant available for testimony, the Bureau obtains from the field and transmits to the Department detailed pertinent information concerning the informant's background; the type and value of information being furnished by the informant; his current and long-range value in connection with the Bureau's over-all responsibilities in the internal security field; the effect his disclosure would have on security coverage in the territory of the field office involved, and any factors which might affect his credibility as a witness. In furnishing this information to the Department, the Bureau makes it very clear that the ultimate decision as to whether the informant should be used as a witness or should continue as an informant must be made solely by the Department.

In view of the above procedure, I wish to make perfectly clear to each Special Agent in Charge the absolute undesirability of any Bureau representative's expressing to Departmental attorneys or United States Attorneys any opinion as to whether a security prosecution should be initiated or any opinion as to whether the loss of security coverage through the exposure of valuable confidential informants would be outweighed by the results of a successful security prosecution. It is the sole responsibility of the Department to decide whether a security prosecution should be initiated and whether current confidential informants should be exposed through testimony at such a prosecution.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 8/10/83 BY SP8BTS/BCE

66-04-2249

ORIGINAL COPY FILED IN 81

100-418105- ✓

NOT RECORDED

46 JUL 19 1955

⑥4 JUL 22 1955
2331

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: August 8, 1955

Cubby FROM : SAC, Detroit [redacted]

SUBJECT: EX-COMMUNISTS AS WITNESSES
INFORMANTS AND WITNESSES
IMMIGRATION AND NATURALIZATION
SERVICE

OO: PHILADELPHIA

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60267 NIS/EP/DO
90182Db2
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b7DRe Philadelphia letter to Bureau, dated July
22, 1955.Enclosed with the copy of this letter to
Philadelphia, is one copy of Bureau letter to Boston, dated
April 25, 1955.

Since the Detroit Office only received one copy of the attachment to Bureau letter to Boston, dated April 25, 1955, this attachment is not being forwarded to Philadelphia at this time. However, this attachment consisted of a letter, dated April 14, 1955, from RAYMOND E. FARRELL, Assistant Commissioner, Investigations Division, Immigration and Naturalization Service, to the Bureau and stated in part as follows: "Attached is a copy of a list of informants and witnesses discontinued by this Service because of a determination that they were either unreliable or of questionable credibility. Instructions have been issued to field offices of this Service that.... the local offices of the Federal Bureau of Investigation are to be advised of the discontinuance of the use of such person by this Service and the basis therefor. In addition, whenever any derogatory information is received by field offices of this Service concerning informants or witnesses, such information is to be promptly called to the attention of your local offices."

(A member)
The list referred to above contained the name,
[redacted] under caption [redacted]

It is requested that Philadelphia determine basis for the discontinuance of [redacted] and furnish same to Bureau.

REGISTERED

JFS:dmc

(5)

cc - 2 - Philadelphia (100-0)

(Registered) (Enclosure - 1)

RECORDED-32 [redacted] 418165

INDEXED - 32

AUG 10 1955

73

EX-121

71 AUG 18 1955

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

FROM : Mr. A. H. Belmont

SUBJECT: ~~RELEASING CURRENT CONFIDENTIAL
INFORMANTS FOR TESTIMONY IN SECURITY CASES~~

DATE: August 15, 1955

for Tolson
 Boardman
 Nichols
 Belmont
 Harbo
 Mohr
 Parsons
 Rosen
 Tamm
 Sizoo
 Winterrowd
 Tele. Room
 Holloman
 Gandy

Pursuant to the Director's instructions, a running memorandum has been initiated concerning the use of current confidential informants as witnesses in security prosecutions. This memorandum, to be submitted by the fifteenth of each month hereafter, will reflect the following data:

1. The number of current confidential informants already exposed as witnesses.
2. The number of current confidential informants whose background and value have been furnished to the Department for its decision as to use as witnesses in pending prosecutions and prosecutions currently under consideration.
3. The number of current confidential informants who have been made available for interview by Departmental attorneys in pending prosecutions and prosecutions currently under consideration.
4. The number of current confidential informants whose availability for possible use as witnesses has been inquired into by the Department in pending prosecutions and prosecutions currently under consideration.

Under each of the above categories, the number of informants will be broken down as to the various types of cases involved such as Smith Act trials, Subversive Activities Control Board hearings, Labor Management Relations Act cases, et cetera.

Attached hereto is a chart reflecting the status of this matter as of August 15, 1955.

ACTION:

INDEXED - 47

OCCURRED - 47

This memorandum will be kept up-to-date by the preparation of a current statistical chart reflecting the status as of the fifteenth of each month hereafter.

Enclosure

ENCL

cc: Mr. Boardman

Mr. Belmont

Mr. Baumgardner

Mr. Branigan

Mr. Dobson

Mr. Reddy

16 AUG 17 1955

EER:kbs (7) Mr. Reddy

SEP 1 1955

① Ex-Communists As Witnesses

100

100-418105-
NOT RECORDED
71 SEP 30 1955

68 OCT 3 1955

ORIGINAL FILE IN

66-6200-13 # 168

RELEASING CURRENT CONFIDENTIAL
INFORMANTS FOR TESTIMONY IN
SECURITY CASES

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60267 NISIEP100
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1. CURRENT CONFIDENTIAL INFORMANTS EXPOSED AS WITNESSES:

39

**2. CURRENT CONFIDENTIAL INFORMANTS WHOSE BACKGROUND AND
VALUE HAVE BEEN FURNISHED TO THE DEPARTMENT FOR ITS
DECISION AS TO USE AS WITNESSES:**

13

3. CURRENT CONFIDENTIAL INFORMANTS MADE AVAILABLE FOR INTERVIEW BY DEPARTMENTAL ATTORNEYS:

2

- (a) Smith Act Trials 2

4. CURRENT CONFIDENTIAL INFORMANTS WHOSE AVAILABILITY FOR POSSIBLE USE AS WITNESSES HAS BEEN INQUIRED INTO BY THE DEPARTMENT:

306

- | | | |
|-----|---|----|
| (a) | <i>Smith Act Trials</i> | 31 |
| (b) | <i>Subversive Activities Control Board Hearings</i> | 63 |
| (c) | <i>Administrative Hearings Re Independent Socialist League.</i> | 5 |
| (d) | <i>Communist Infiltration Cases</i> | 6 |
| (e) | <i>Fraud Against the Government Cases</i> | 1 |

66-6200-134-168
C ENCLOSURE

cc - Mr. Hallerb

SAC, Cleveland (100-16517)

August 4, 1955

Director, FBI (100-371877)

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[REDACTED]
**DISCONTINUED INS INFORMANT
INFORMATION CONCERNING
(INTERNAL SECURITY)**

O EX-COMMUNISTS AS WITNESSES

Bufiles reflect that you are in receipt of a letter dated April 26, 1955, from INS, Toledo, Ohio, regarding the captioned individual. This letter advises that [REDACTED] is being considered unreliable by INS, Toledo, Ohio.

In the event [REDACTED] is ever considered as a witness the information contained in the above INS letter should be called to the attention of the appropriate office.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 6067NIS/EP/OD

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Loc. - Bufile 100-418105

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Gandy _____

ORIGINAL FILE IN 100-371877-
111

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: August 8, 1955

FROM : SAC, DETROIT [redacted]

SUBJECT: *Ex-Communists As Witnesses*
INFORMANTS AND WITNESSES
IMMIGRATION AND NATURALIZATION SERVICEb2
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EWB/PF
PW

Re Indianapolis letter to the Bureau dated July 29, 1955.

On August 4, 1955, MICHAEL ONDREYCO, Investigator, Immigration and Naturalization Service, Detroit, asserted that actually the regional office in St. Paul, Minnesota, discontinued the six individuals listed in referenced letter. However, he stated that this action was based on evaluations of these individuals made by the Hammond, Indiana, INS Office.

ONDREYCO noted that on March 15, 1955, the Hammond INS Office submitted an evaluation of these individuals to the district office of INS in Detroit, Michigan.

MICHAEL

In the case of [redacted] the Hammond INS Office stated in part, "It is felt that Subject cooperated with this office in the case of [redacted] because of fear that he would not obtain his derivative certificate of citizenship. He has not been entirely truthful in regard to his connections with the Communist Party if information shown in FBI reports is correct."

ONDREYCO further made available an INS report concerning [redacted] which, according to Ondreyco, the Hammond office also had available to them. This report stated that [redacted] had been interviewed on February 28, 1952, and on December 18, 1952, by INS. According to the report, when he had been interviewed on February 28, 1952, [redacted] had mentioned the name of [redacted] as a member of the CP. The report continued that, "When asked

REGISTERED

JFS:BAV

(4)

cc: Indianapolis [redacted]

RECORDED-32 102-418105- 74

INDEXED - 32

AUG 10 1955

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X149
Aug 10 1955

PPR/BAB

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Letter to the Director, FBI

Re: INFORMANTS AND WITNESSES
INS

"about [redacted] on December 18, he claimed that he never knew anyone by the name of [redacted] and that he must have meant [redacted] . . . the names of several known Hammond Communists were mentioned to him and he stated that they were all personal friends of his and he did not care to discuss them. Although he claimed to be against Communism at this time and willing to cooperate with the Government in regard to Communist Party members he refused to give any information regarding the Communist Party members that he did know . . ."

ONDREYCO advised that in the last few days he has written the Hammond Office of INS instructing them to comply with INS directives to furnish the FBI at Indianapolis with the reasons why the individuals listed in referenced letter were classified as unreliable or of questionable credibility. He stated that Hammond would be telephonically contacted on August 5, 1955, and again requested to furnish the FBI at Indianapolis with this information.

The Detroit Office is taking no further action in this matter until requested to do so by the Bureau.

RUC

2 SEP 1955

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: August 25, 1955

FROM : Curb SAC, DETROIT [redacted]

32340

SUBJECT: [redacted]

DISCONTINUED INS INFORMANT
INFORMATION CONCERNINGb2
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Rebulet to Indianapolis dated August 11, 1955, captioned "Informants and witnesses, Immigration and Naturalization Service," with copies to Detroit requesting Detroit Office to contact the local office of the Immigration and Naturalization Service (INS) to ascertain the reason for that agency listing certain individuals as being very unreliable or of questionable credibility.

On August 22, 1955, MICHAEL ONDREYCO, Investigator, Immigration and Naturalization Service, Detroit, made available to SA J. F. SULLIVAN a copy of a letter dated August 11, 1955, from JAMES J. CAREY, Officer in Charge, INS, Hammond, Indiana, to Special Agent in Charge, FBI, Indianapolis, Indiana. This letter stated as follows:

"On June 24, 1955, you were advised that a determination had been made that the reliability or credibility of [redacted] was questionable. You are herewith informed that the reasons for such a decision are as follows:

"[redacted] is under an Order of Deportation, and may be testifying under the impression that it will strengthen his position in connection with an Application for Discretionary Release that he may submit. Also, he is known to be a very heavy drinker; and it is believed that he has not disclosed all the information that he has concerning his knowledge and activities of the Communist Party during his membership."

REGISTERED
JFS/JMK
(5)

cc: Indianapolis (REGISTERED)



RECORDED - 39

INDEXED-39 EX-121

17 AUG 1955

UNRECORDED COPY FILED IN 100-418105-75

63 SEP 21 1955

(6-15-55)

Federal Bureau of Investigation
Records Section

6 SEP 1955

, 1955

	Name	Cheek Unit - Room 6523
	Attention	
	Service Unit - Room 6524	
	Forward to File Review	
	Return to _____	Ext. _____

Supervisor

Room - ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-14-99 BY 600B1NISIEP/00

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<input checked="" type="checkbox"/>	Breakdown	<input checked="" type="checkbox"/> Buildup	<input checked="" type="checkbox"/> Variations
<input type="checkbox"/>	Exact Name Only		
<input type="checkbox"/>	Exact Spelling		
<input type="checkbox"/>	Check for Alphabetical Loyalty Form		

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Localities

Birthdate & Place

R# 5A

Date 9/2

Searcher Initial 8211

FILE NUMBER

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L	62-34781-1084		
I	100-323416-7		
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L	62-98134-585		End p. 4
SI	100-80241-3		

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80

NUMEROUS REFERENCE

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Date 9/2

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I	<u>100 - 404787 - 4;</u>	

NUMEROUS REFERENCE

4-22a

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Supervisor

Room

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34

Date 9/2

Searcher Initial

24

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	(red)	
SI	61-70498-919 p 555	
L	291 p 16; 919 p 136	
SI	61-7347-29 p 14	
I	61-7582-1298 p 833, 1461	
SI	66-2542-3-9-115	51 70 100-4969
SI	98-4159-3	
K	98-2748-1	
L	121-7124-34X1	23; 34 p 57
I	55-37522-6	
SI	102-4-10-8	
SI	101-5988-14	
SI	100-326-9-3	Bulky file 141
SI	100-2-1532 p 53; 2946	
SI	100-3-14-1105	10477011,
	13, 32, 37; 1108	157; 738
SI	100-3-16-168 p 329	
SI	100-6380-7	
SI	100-120818-343	
SI	100-157370-2	
SI	100-365005-1 p 21, 22	
SI	100-39164-21	
SI	100-36628-22	

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Date 9 - 6

Searcher Initial 8189

FILE NUMBER

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SI	100-49863-13	
SI	100-44142-6	
SI	100-735-11-116	
SI	100-97377-15-45	
I	100-62018-835	
SI	100-51636-1	
SI	100-80241-2	
SI	100-12355-63	
SI	100-125-64-20	
I	100-17362-3	
SI	100-18476-10	
SI	100-17378-2	-3 sub 16
SI	100-16652-5	
SI	100-16285-1	
I	100-16847-293	
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Assistant Attorney General
William F. Torpkins

May 8, 1957

Director, FBI

ALL INFORMATION CONTAINED
UNITED STATES V. NESAROSH, ET AL. HEREIN IS UNCLASSIFIED
(PITTSBURGH SMITH ACT RETRIAL) DATE 10-14-99 BY 60261 NIS/EP/DD
901820

Reference is made to the letter to Mr. Thomas K. Hall from Department Attorney Peter J. Donahue dated April 25, 1957, a copy of which was furnished to our Pittsburgh Office by Mr. Donahue. This letter deals with certain inconsistencies noted in previous testimony of former Bureau Informants [redacted] and [redacted] and in previous testimony and sworn statements to the Immigration and Naturalization Service (INS) by former Bureau Informant [redacted]

With reference to [redacted] testimony in the American Peace Crusade (APC) case, it is noted that there is a variance of several months in [redacted] testimony as to when the APC was founded in Pittsburgh, and when it was actually founded. This discrepancy could, of course, be attributed to faulty memory. [redacted] testimony relative to the meeting at the home of William Albertson at a time when Albertson had already left Pittsburgh, could similarly be attributed to faulty memory as to where this meeting was actually held, since [redacted] attended literally hundreds of meetings while operating as a Bureau informant. The same explanation may well apply to the minor inconsistencies in [redacted] testimony for INS at the proceedings against [redacted] and [redacted] and at the Cleveland Smith Act trial.

With reference to [redacted] testimony at the Trachtenberg trial as to when he first came to the United States, this testimony was, as pointed out in Mr. Donahue's letter, truthful, although equivocal to one who knows all the facts. Since the Bureau had furnished full information concerning [redacted] background to the Department and to the Government Attorneys who handled the Trachtenberg trial, this information was undoubtedly taken into account at that time.

With reference to [redacted] sworn statements to INS in the [redacted] and [redacted] cases and in his testimony at the [redacted] de-naturalization proceeding, there is no indication that his statements or testimony are incorrect other than the fact that he did not report this information to our Pittsburgh Office during the time he was operating as an informant.

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ENCLOSURE

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Assistant Attorney General William F. Tompkins

With reference to the sworn statement Hardin gave to INS in the Gus Santes case, it is noted that Hardin has admitted this statement is incorrect and that he was probably thinking of someone else. Our Pittsburgh Office is being instructed to advise INS, Pittsburgh, of the fact that [redacted] statements in the [redacted] and [redacted] cases are not corroborated by his informant reports, and also that he had admitted that his statement in the Santes case is incorrect.

In view of the information set out in Mr. Donahue's letter of April 25, 1957, and the above comments, you are requested to advise whether you still contemplate utilizing [redacted] and [redacted] as witnesses at the Pittsburgh retrial.

It is apparent from the above incidents that the repeated use of disclosed FBI informants as witnesses continues to pose a definite problem, particularly if the informants are relying solely on memory of the individuals or events concerning which they are called upon to testify. Regardless of the extent of his knowledge or the caliber of his memory, discrepancies tend to creep into the record if a witness repeatedly testifies, solely from his memory, concerning individuals with whom he associated or events which took place many years prior to his testimony. While the FBI is not in a position to state that its disclosed informants should not be repeatedly used as witnesses at Government prosecutions or hearings, it is apparent that the risk involved increases in direct proportion to the number of times they testify.

I feel that there is a definite need for strict control over the use of these individuals as witnesses. The proper mechanics for such control appear to be available through the Departmental Committee on Security Witnesses. This Bureau repeatedly and carefully stresses to current informants and to all informants at the time of their disclosure through testimony the absolute necessity of being completely truthful in any future interviews or testimony and of restricting their statements or testimony to matters definitely known to them as factual. After these informants leave the control of the FBI, however, they are no longer subject to the careful cross-checking which the Bureau employs to verify information furnished by its informants.

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Assistant Attorney General William P. Tompkins

The most unfortunate part about this entire problem lies in the fact that any misstatement or inaccuracy in the testimony of a former informant reflects unfavorably not only on the informant himself and on the particular trial or hearing, but on the entire program of the Government's use of informants as witnesses. I feel that the Department will want to most carefully consider the desirability of the repeated use of former informants as witnesses. As one of the means of controlling this problem, it is suggested that whenever any agency of the executive branch of the Government contemplates utilizing a former FBI informant as a witness, it would be highly desirable for that agency to check with the appropriate field office of this Bureau to ascertain whether the contemplated testimony of the informant is consistent with information previously furnished by him to this Bureau.

If you feel that this suggestion has merit and should be acted upon, it is requested that you advise this Bureau as to what steps will be taken to assure its effective operation.

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Assistant Attorney General
William F. Taft

July 2, 1957

Director, FBI

UNITED STATES V. MISAROSH, ET AL.
(PITTSBURGH SMITH ACT RETRIAL)

Reference is made to my memorandum dated May 8, 1957, concerning the dangers inherent in the repeated use of former Bureau informants as witnesses. As one of the means of controlling this problem it was suggested that whenever any agency of the executive branch of the Government contemplates utilizing a former FBI informant as a witness, it would be highly desirable for that agency to check with the appropriate field office of this Bureau to ascertain whether the contemplated testimony of the informant is consistent with information previously furnished by him to this Bureau.

The Bureau would appreciate being advised whether this suggestion has been considered by the Department and of the Department's views concerning it.

100-3-74-39

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60267 NIS/EP/DP

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ENCLOSURE

700-418765

2 SEP 1955 S

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: August 25, 1955

FROM : Curb
SAC, DETROIT [redacted]SUBJECT: [redacted]
DISCONTINUED INS INFORMANT
INFORMATION CONCERNINGb2
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Rebulet to Indianapolis dated August 11, 1955, captioned "Informants and witnesses, Immigration and Naturalization Service," with copies to Detroit requesting Detroit Office to contact the local office of the Immigration and Naturalization Service (INS) to ascertain the reason for that agency listing certain individuals as being very unreliable or of questionable credibility.

On August 22, 1955, MICHAEL ONDREYCO, Investigator, Immigration and Naturalization Service, Detroit, made available to SA J. F. SULLIVAN a copy of a letter dated August 11, 1955, from JAMES J. CAREY, Officer in Charge, INS, Hammond, Indiana, to Special Agent in Charge, FBI, Indianapolis, Indiana. This letter stated as follows:

"On June 24, 1955, you were advised that a determination had been made that the reliability or credibility of [redacted] was questionable. You are herewith informed that the reasons for such a decision are as follows:

"He denied that he had ever been taught the necessity for the violent overthrow of the United States Government. He claimed that he still believed most of the things that the Communist Party advocated such as socialized medicine and etc. He gave the impression that if it had not been for the adverse publicity received by the Communist Party, he would still be a member. He is not willing to testify as a witness unless the case is a very important one to the Government."

REGISTERED
JFS/JMK
(5)

cc: Indianapolis (REGISTERED)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60261NIS/EP/DO
901820

RECORDED - 39

INDEXED - 39

17 AUG 20 1955

UNRECORDED COPY FILED IN 107-644

58 SEP 16 1955

4-22 (6-15-55)

Federal Bureau of Investigation
Records Section

9/6, 1955

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S.E.P. 9/1955

Birthdate & Place

R# 3130

Date 9/2

Searcher Initial S211

FILE NUMBER

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1	64-73579-7377	1
SL	100-3-16-36: 6857601	
1	62-34781-1084	
T	99-99-9 (R-1)	
T	100-168564-53	
SL	121-42417-9	
1	100-26844-1146: 137; 1753	
X	100-419610-10.9	
SL	100-377237-1	
AV	100-120017-12	
SL	100-3-16-660 Main file 6838479	
X	100-64161-17 Main file	
T	100-3-16-709.17.74	
L	100-16790361	
SL	100-3-16-1684.17.58,96 126,264	
L	100-26844-1146: 36751	
T	100-678.86-11	
T	100-168564-1043.9.18	
L	100-167903-2151	
SL	100-120017-8	
SL	100-371337-2	

NUMEROUS REFERENCE

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Supervisor _____

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1. 2 - 34787-1032 Entg. p. 251100 - 3-18-3651100 - 26844-126 ✓51100 - 168564-2

J. S.

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cc- Mr. Fitzgerald

SAC, Chicago (100-18517)

September 16, 1955

Director, FBI (100-349872)

[REDACTED]
DISCONTINUED INS INFORMANT
INFORMATION CONCERNING

ReBulet to Boston April 25, 1955, entitled "Informants and Witnesses, INS," two copies of which were designated for your office. You will note that one of the individuals listed by Immigration and Naturalization Service as being unreliable or of questionable credibility was one [REDACTED]. On August 22, 1955, the Detroit Division ascertained from Immigration and Naturalization Service that the reliability or credibility of [REDACTED] has considered questionable for the following reason: "He identified [REDACTED], as a member of the Communist Party but will not testify before him. It is not known at this time whether he is reliable."

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The foregoing information appears to relate to the subject, who was interviewed by the Indianapolis Division January 14, 1952, at which time he was living in Chicago, Illinois, and working at East Chicago, Indiana. Accordingly, the foregoing information received from Immigration and Naturalization Service should be called to the attention of the appropriate office in the event the subject is ever considered as a witness.

cc - Indianapolis (100-8348) (For Information)

cc - Bufile 100-418105-77

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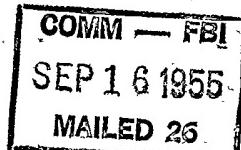
EX-122

ALL INFORMATION CONTAINED
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2 SEP 1955

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: August 25, 1955

FROM : CWB SAC, DETROIT [redacted]

COB EX-Communists as WITNESSES

SUBJECT: [redacted]

DISCONTINUED INS INFORMANT
INFORMATION CONCERNING~~INDEXED~~

Rebulet to Indianapolis dated August 11, 1955, captioned "Informants and witnesses, Immigration and Naturalization Service," with copies to Detroit requesting Detroit Office to contact the local office of the Immigration and Naturalization Service (INS) to ascertain the reason for that agency listing certain individuals as being very unreliable or of questionable credibility.

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On August 22, 1955, MICHAEL ONDREYCO, Investigator, Immigration and Naturalization Service, Detroit, made available to SA J. F. SULLIVAN a copy of a letter dated August 11, 1955, from JAMES J. CAREY, Officer in Charge, INS, Hammond, Indiana, to Special Agent in Charge, FBI, Indianapolis, Indiana. This letter stated as follows:

"On June 24, 1955, you were advised that a determination had been made that the reliability or credibility of [redacted] was questionable. You are herewith informed that the reasons for such a decision are as follows:

[redacted] "He identified [redacted] as a member of the Communist Party but will not testify before him. It is not known at this time whether he is reliable."

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
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cc: Indianapolis (REGISTERED)

EX-122

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4-22 (6-15-55)

Federal Bureau of Investigation
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Name Check Unit - Room 6523
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Room ALL INFORMATION CONTAINED

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All References DATE ID-14-99 BY 60267 NIS/EP/ DD
 Subversive References 901820
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 Restrict to Locality of _____
 Breakdown Buildup Variations b6
 Exact Name Only b7C
 Exact Spelling b7D
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 Address _____

Localities 9-77955

Birthdate & Place _____

R# (63)

Date 9/6

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SERIAL

FILE NUMBER

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I	180-349872	Main file
NI	95-50164	
NR	216-80240	
NI	32-16105	
NK	25-98354	
NR	35-111079	
NR	44-1133	
NI	180-407932	
NR	52-18496	
NI	180-407932-1	Item 12-29-B
L	62-347x1-1084	
I	180-19628-2412	
NI	26-69645-1-3	R195
NI	47-12401-1	
NI	180-303197-1	
I	61-9274-53	
I	180-62018-626	
NI	61-7341-34-364	and 8251
	62 and 57	
	37-401-3462	1005-9118

NUMEROUS REFERENCE

4-22a

SEARCH SLIP

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<u>N1</u>	<u>61-7559-105</u>	<u>971</u>
<u>L</u>	<u>100-200674-29</u>	
<u>NK</u>	<u>100-411675-10</u>	
<u>I</u>	<u>100-52421-70</u>	
<u>I</u>	<u>121-33270-12</u>	
<u>L</u>	<u>62-34781-1032 and 2</u>	
<u>I</u>	<u>100-62018-A Daily Work</u>	<u>2-16-48</u>
<u>I</u>	<u>100-257338-2</u>	
<u>SI</u>	<u>100-200674-9274 0646-A Daily Order</u>	<u>8-11-48</u>
<u>SI</u>	<u>100-200674-9274 0646-31</u>	
<u>I</u>	<u>100-62018-961</u>	<u>X-94-507</u>
<u>N1</u>	<u>71-2328-30</u>	
<u>L</u>	<u>44-10140-A Negotiated from New</u>	<u>9-28-48</u>
<u>I</u>	<u>100-55558-95</u>	
<u>N1</u>	<u>100-26912-192</u>	<u>N1</u>
<u>N1</u>	<u>100-3-43-895</u>	<u>1118</u>
<u>N1</u>	<u>100-3-43-1040X</u>	<u>1043</u>
<u>I</u>	<u>100-257328-17</u>	
<u>I</u>	<u>100-260007</u>	<u>6230 band</u>
<u>N1</u>	<u>47-36941-1</u>	
<u>SI</u>	<u>100-62018 362448-76</u>	
<u>I</u>	<u>100-199944-31032</u>	

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<u>SI</u>	<u>100-100-62018</u>	<u>344179</u>	b6 b7C b7D
<u>NI</u>	<u>100-257020-</u>		
<u>NIC</u>	<u>31-52440-130</u>		
<u>NI</u>	<u>98-530-X8</u>		
<u>NI</u>	<u>100-190625-</u>	<u>671</u>	
<u>NI</u>	<u>61-7341-</u>	<u>34-352 and 09</u>	
<u>NI</u>	<u>98-15583-223</u>		
<u>NI</u>	<u>100-3-4-5702</u>	<u>p3915</u>	
<u>NI</u>	<u>100-203581-</u>	<u>1557</u>	
<u>NI</u>	<u>100-13285-</u>	<u>60</u>	
<u>I</u>	<u>61-9274-</u>	<u>52</u>	
<u>SI</u>	<u>100-3-14-</u>	<u>2595</u>	
<u>NI</u>	<u>100-348159-</u>	<u>213</u>	
<u>MNI</u>	<u>47-12401-</u>	<u>1</u>	
<u>MNI</u>	<u>15-4520-</u>	<u>4</u>	
<u>NI</u>	<u>62-48214-</u>	<u>3</u>	
<u>NI</u>	<u>91-1057-</u>	<u>47</u>	
<u>NI</u>	<u>65-0-</u>	<u>3868</u>	
<u>NI</u>	<u>61-75-82-</u>	<u>1-1, 8-71</u>	
<u>I</u>	<u>61-9274-</u>	<u>79</u>	
<u>NI</u>	<u>62-29777-</u>	<u>5273</u>	
<u>NI</u>	<u>62-1271-</u>	<u>25</u>	

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Date 9-6

Searcher Initials J.D.

FILE NUMBERSERIAL

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I	100 - 34 0971 - 1.	
I	100 - 200674 - 17.	
SI	100 - 33806 - 22	
SI	100 - 62018 - 571X.	
NR	94 - 1 - 24319 - 1.	
NY	100 - 14119 - 2.	R 21
SI	100 - 62018 - 506X	
NI	140 - 3667 - 2.	
I	100 - 3 - 4 - 6089, P5.	
I	100 - 342925 -	
NI	87 - 22449	
I	61 - 6728 - 445	
NI	105 - 10473 - 60	
NI	71 - 4219 - 1914.	
NI	95 - 4256 - 1.	
NI	100 - 83009 - 1	
NI	100 - 3 - 43 - 846	
NI	100 - 9749 - 238 P14.	
NR	65 - 5330 - 49	
NR	64 - 125 - 241 - 97.	

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100-418105-78
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105-12897-9

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HEREIN IS UNCLASSIFIED
DATE 10.14.99 BY 60261 NIS/EP/DD
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Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: August 25, 1955

FROM : *Cub*
cob SAC, DETROIT [redacted]SUBJECT: *EV-18000-45 TO DO WITH*
DISCONTINUED INS INFORMANT
INFORMATION CONCERNING

Rebulet to Indianapolis dated August 11, 1955, captioned "Informants and witnesses, Immigration and Naturalization Service," with copies to Detroit requesting Detroit Office to contact the local office of the Immigration and Naturalization Service (INS) to ascertain the reason for that agency listing certain individuals as being very unreliable or of questionable credibility.

On August 22, 1955, MICHAEL ONDREYCO, Investigator, Immigration and Naturalization Service, Detroit, made available to SA J. F. SULLIVAN a copy of a letter dated August 11, 1955, from JAMES J. CAREY, Officer in Charge, INS, Hammond, Indiana, to Special Agent in Charge, FBI, Indianapolis, Indiana. This letter stated as follows:

"On June 24, 1955, you were advised that a determination had been made that the reliability or credibility of [redacted] was questionable. You are herewith informed that the reasons for such a decision are as follows:

"Subject's wife is a local active member of an International Workers Order and he is reported to be a very heavy drinker."

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
REGISTERED DATE 10-14-99 BY 60267 NIS/EP/DD
JFS/JMK 901820
(5)

cc: Indianapolis (REGISTERED)

RECORDED - 39

INDEXED-39

5 SEP 19 1955

UNRECORDED COPY FILED IN 102-39785-1

4-22 (6-15-55)

Federal Bureau of Investigation
Records Section

9/4, 1955

Name Check Unit - Room 6523
 Attention _____
 Service Unit - Room 6524
 Forward to File Review
 Return to _____ Ext. _____
 Supervisor
 Room _____

All References b6
 Subversive References b7C
 Main References Only b7D
 Restrict to Locality of _____
 Breakdown Buildup Variations
 Exact Name Only
 Exact Spelling
 Check for Alphabetical Loyalty Form

SUBJECT _____
 Address _____

Localities _____
 Birthdate & Place _____
 R# (2) 20 Date 9/2 Searcher Initial s211
 FILE NUMBER SERIAL

FILE NUMBER	SERIAL
N 1 42-13316	MTR 30
N 2 26-64281	MTR 30
N 3 26-486414	MTR 30
N 4 87-0308	MTR 30
N 5 95-260040	
N 6 26-111821	
N 7 100-397954	100-397954 M F
N 8 50-2445	
N 9 31-73810	
N 10 121-21932-4	
N 11 31-73811-41 p.8 D:16 X1 p.18	
N 12 62-34781-1036 En. p.2 1884	
N 13 96-15-1	
N 14 98-4513-1	
N 15 44-1421-248	
N 16 62-23170-149 p.460	
N 17 26-87795-6	
N 18 62-75147-46-143 Smly. 21	
N 19 26-75858-24	

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-14-99 BY 60267 NIS/EP/DO

901820

NUMEROUS REFERENCE

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Date 9/2Archer Initial S211

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1) 100 - 397954 (Meldup)
1) 100 - 397954-1 Wesley Martin
N) 100 - 42328-300 (Meldup 5/25) ✓ R260

N) L.C.N) 100 - 373514-1N) 15 - 4558-10MF ORSD

2 SEP 1955

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: August 25, 1955

FROM : CUB SAC, DETROIT [redacted]

SUBJECT: DISCONTINUED INS INFORMANT
INFORMATION CONCERNINGb2
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Rebulet to Indianapolis dated August 11, 1955, captioned "Informants and witnesses, Immigration and Naturalization Service," with copies to Detroit requesting Detroit Office to contact the local office of the Immigration and Naturalization Service (INS) to ascertain the reason for that agency listing certain individuals as being very unreliable or of questionable credibility.

On August 22, 1955, MICHAEL ONDREYCO, Investigator, Immigration and Naturalization Service, Detroit, made available to SA J. F. SULLIVAN a copy of a letter dated August 11, 1955, from JAMES J. CAREY, Officer in Charge, INS, Hammond, Indiana, to Special Agent in Charge, FBI, Indianapolis, Indiana. This letter stated as follows:

"On June 24, 1955, you were advised that a determination had been made that the reliability or credibility of [redacted] was questionable. You are herewith informed that the reasons for such a decision are as follows:

[redacted] identified [redacted] as a member of the Communist Party. He stated that he was willing to testify in refute of citizenship proceedings against him.

"It is felt that the Subject cooperated with this office in the case of [redacted] because of a fear that he would not obtain his Derivative Certificate of Citizenship. He has not been entirely frank in regard to his connections with the Communist Party."

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-14-99 BY 601820REGISTERED
JFS/JMK

(5)

cc: Indianapolis (REGISTERED)

RECORDED - 39

INDEXED - 39

102-418105-80

WIS 23 1955

SEP 30 1955

64 GCF 23 1955

UNRECORDED COPY FILED IN 100-325782 -

4-22 (6-15-55)

Federal Bureau of Investigation
Records Section

9/6, 1955

Name Check Unit - Room 6523
 Attention _____
 Service Unit - Room 6524
 Forward to File Review
 Return to _____ Ext. _____
Supervisor
Room

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HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60261NIS/EP/ DD
 Subversive References 901820
 Main References Only
 Restrict to Locality of
Breakdown Buildup Variations
 Exact Name Only
 Exact Spelling
 Check for Alphabetical Loyalty Form
SEP 9 1955

SUBJECT _____
Address _____

b6
b7C
b7D

Localities _____
Birthdate & Place _____

R# 230 Date 1/2 Searcher Initial f211
FILE NUMBER SERIAL

X	100-33582 (main file)
X	39-0-422783
X	100-33582-15
ST	100-3478X-10325 main. 21 1084
X	61-7341-21-138-44-563 main
L	100-2-2986 L. P. 74
Z	100-326-21-03
ST	100-228468-25
X	100-374504-54
X	100-267259-1
ST	100-1735338-4-h main
X	100-65747-389
ST	100-3-16-168A, 154; 70p. 141, 200
L	100-37226-12872
ST	100-3719-282186 main
X	62-19253-1138 K (P-19)
X	61-7341-21-32-33 main. 13
V	100-418105-34
X	61-7341-21-70 main. 6. d1 K-19
ST	100-2651272
	20-160-240855-5

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NUMEROUS REFERENCE

4-22a

SEARCH SLIP

Subj: _____

Supervisor _____

Room _____

#

(230)

Date 9/2

Searcher Initial J211

FILE NUMBER

SERIAL

I 61-7341-21-62 (R-19)

ST 700-65347-389

I 61-7341-21-62

I 100-328418-1

I 100-240835-5

I 61-7341-9-453 (R-19)

E.

(R-19)

Office Memorandum • UNITED STATES GOVERNMENT

2
TO : Mr. A. H. Belmont *ABH*

DATE: August 26, 1955

FROM : Mr. F. J. Baumgarner *ABF/N*

SUBJECT: DEPARTMENTAL COMMITTEE ON
SECURITY WITNESSES

Tolson _____
Boardman _____
Nichols _____
Belmont _____
Harbo _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Sizoo _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

The minutes of the meeting of the above Committee on August 16, 1955, have been received. During this meeting the Committee considered a proposed new procedure in reviewing prospective witnesses. Assistant Attorney General Tompkins has recommended that the Committee review each prospective witness on whom any derogatory information exists. The Committee deferred action on the recommendation pending a clearance by the Committee with Deputy Attorney General William P. Rogers.

By way of background the Committee had previously decided that final responsibility for the use of a former Communist Party member as a witness would rest with the trial attorney. In the event the attorney felt that information existed concerning the witness which might preclude his use, the trial attorney would forward the information to the Committee which would make its recommendations. Clearance from the Committee would only signify that in the opinion of the Committee no derogatory information sufficient to preclude use had been found. It may be seen that the proposed new procedure would have the Committee review each prospective witness as to whom any derogatory information exists. Thus, the Committee would be charged with the responsibility of reviewing many more witnesses than in the past.

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ACTION: DATE 10-14-99 BY b0267NIS/EP/00

901820

N
None. This is for your information. You will be kept currently advised concerning the activities of the above Committee.

cc - Mr. Belmont

[Redacted]

b6
b7C

GFM:cmh
(3)

RECORDED - 33

100-418105-81

EX-121 AUG 30 1955

INT SEC

13
6 SEP 6 1955

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: September 15,
1955

FROM : Mr. A. H. Belmont

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60267 NIS/EPDD
901800

SUBJECT:

~~RELEASING CURRENT CONFIDENTIAL INFORMANTS
FOR TESTIMONY IN SECURITY CASES~~

~~Tolson~~
~~Boardman~~
~~Nichols~~
~~Belmont~~
~~Harbo~~
~~Mohr~~
~~Parsons~~
~~Rosen~~
~~Tamm~~
~~Sizoo~~
~~Winterrowd~~
~~Tele. Room~~
~~Holloman~~
~~Gandy~~

Pursuant to the Director's instructions, a running memo-
randum has been initiated concerning the use of current confidential
informants as witnesses in security prosecutions. This memorandum,
is being submitted on the fifteenth of each month and reflects the
following data:

1. The number of current confidential informants already exposed as witnesses.
2. The number of current confidential informants whose background and value has been furnished to the Department for its decision as to use as witnesses in pending prosecutions and prosecutions currently under consideration.
3. The number of current confidential informants who have been made available for interview by Departmental attorneys in pending prosecutions and prosecutions currently under consideration.
4. The number of current confidential informants whose availability for possible use as witnesses has been inquired into by the Department in pending prosecutions and prosecutions currently under consideration.

Under each of the above categories, the number of informants will be broken down as to the various types of cases involved such as Smith Act trials, Subversive Activities Control Board hearings, Labor Management Relations Act cases, et cetera.

Attached hereto is a chart reflecting the status of this matter as of September 15, 1955.

ACTION:RECORDED: 113
INDEXED: 113

100-418105-82

This memorandum will be kept up-to-date by the preparation of a current statistical chart reflecting the status of 1955 the fifteenth of each month.

Enclosure

1 cc: Mr. Boardman
 1 cc: Mr. Belmont
 1 cc: Mr. Baumgardner
 1 cc: Mr. Branigan
 1 cc: Mr. Donohue
 1 cc: Mr. Reddy

213
SEP 30 1955

2 ✓ The enclosures get to 150
 would like to present
 to A. G. T. Rogers
 K. ✓ M. D. R. C.R.

B-4 SEP 29 1955
RECORDED 113 INDEXED 113

RELEASING CURRENT CONFIDENTIAL
INFORMANTS FOR TESTIMONY IN
SECURITY CASES

1.	<u>CURRENT CONFIDENTIAL INFORMANTS EXPOSED AS WITNESSES:</u>	39
(a)	Smith Act Trials	33
(b)	Subversive Activities Control Board Hearings	3
(c)	Labor Management Relations Act Cases	2
(d)	Nationalist Party of Puerto Rico Trials	1
2.	<u>CURRENT CONFIDENTIAL INFORMANTS WHOSE BACKGROUND AND VALUE HAVE BEEN FURNISHED TO THE DEPARTMENT FOR ITS DECISION AS TO USE AS WITNESSES:</u>	12
(a)	Smith Act Trials	10
(b)	Subversive Activities Control Board Hearings	2
3.	<u>CURRENT CONFIDENTIAL INFORMANTS MADE AVAILABLE FOR INTERVIEW BY DEPARTMENTAL ATTORNEYS:</u>	5
(a)	Smith Act Trials	2
(b)	Labor Management Relations Act Cases	1
(c)	Subversive Activities Control Board Hearings	2
4.	<u>CURRENT CONFIDENTIAL INFORMANTS WHOSE AVAILABILITY FOR POSSIBLE USE AS WITNESSES HAS BEEN INQUIRED INTO BY THE DEPARTMENT:</u>	142
(a)	Smith Act Trials	31
(b)	Subversive Activities Control Board Hearings	90
(c)	Administrative Hearings Re Independent Socialist League	5
(d)	Communist Infiltration Cases	11
(e)	Fraud Against the Government Cases	5

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DATE 10-14-99 BY 60267NIS/EP/DD
901820

100-418105-82
ENCLOSURE

100-418105-83
CHANGED TO
66-2542-3-6-1125

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60267 NISIEP/DO

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OCT 17 1955

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(N) COMMUNIST PARTY ATTEMPTS TO ASCERTAIN IDENTITIES OF BUREAU INFORMANTS AND POTENTIAL GOVERNMENT WITNESSES -- During the recently concluded Denver Smith Act trial and the pending New Haven Smith Act trial, the Bureau has noted a new technique being used by the Communist Party in an obvious attempt to ascertain the identities of Bureau informants and potential Government witnesses. (X)(U)

OEX - Communists AS
This technique involves the contacting of various Communist Party members for the purpose of obtaining signed statements to the effect that the individual signing the statement had attended Communist Party meetings and schools with the Smith Act defendants and had never heard them teach or advocate overthrow of the Government by force and violence. The contacts have been made by one or more of the Smith Act defendants and it has been pointed out to the individuals contacted that through this procedure the Communist Party intends to ascertain the identities of Bureau informants and potential Government witnesses. The functionaries making the contacts have pointed out that if an individual refuses to sign the statement he will be under suspicion as a Bureau informant and will be thoroughly investigated by the Communist Party. If he does sign the statement and later appears as a witness, the statement will be used in an attempt to discredit his testimony. (X)(U)

When this situation first arose in the Denver case, the Department instructed that all current informants scheduled to testify at that trial be advised not to sign any statement which was not completely true even though refusal to sign resulted in their exposure as informants or expulsion from the Communist Party. This same policy has been followed in connection with the New Haven case. (X)(U)

It is pointed out that should the Communist Party make widespread use of this technique, current informants who are not scheduled to testify at a Smith Act or other pending security trial may also be contacted to sign such a statement. Each field office should, therefore, on the occasion of the next contact with current security informants, advise each such informant of this technique currently being utilized by the Communist Party. Each informant should be instructed that should he be contacted to sign such a statement, he may discuss with the functionaries contacting him any plausible reasons why he does not desire to sign a statement. If the informant feels, however, that such action or his outright refusal to sign the statement will result in his exposure as an informant or in his expulsion from the Communist Party, he should sign the (X)(U)

DECLASSIFIED BY 60967 NIS/EP/DO

ON 10-14-99

9/7/55

SAC LETTER NO. 55-57

- 10 -

Classified by 60967/See

Declassify on: OADR

58 OCT 3 1955 fsl 5/12/84

901820
100-418105-

NOT RECORDED
191 SEP 28 1955

58 OCT 3 1955

~~CONFIDENTIAL~~

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP (S) OF Class
DATE 7/7/84

~~CONFIDENTIAL~~

statement and should immediately thereafter submit to the field office a detailed written report setting out the date, place, and time of the contact; the identities of the individuals who contacted him, the contents of the statement, and the informant's reasons for signing it. Should the informant be later used as a witness, this report could then be entered into evidence by the Government in the event the defense attempted to use the informant's statement to attack his testimony and his credibility as a witness. (X)(U)

Current informants made available for testimony at a Smith Act trial should be instructed not to sign any statement which is not completely true even though refusal to do so may result in exposure as an informant or in expulsion from the Communist Party. (X)(U)

The contacts with current informants should be made within the next thirty days and the Bureau should be advised by each office when all informants have been contacted. (X)(U)

9/7/55
SAC LETTER NO. 55-57

~~CONFIDENTIAL~~

100-418105-84
CHANGED TO
66-2542-3-27-471

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60267 NIS/EP/DD
901820

OCT 17 1955

RK

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman
cc:
FROM : Mr. A. H. Belmont
SUBJECT: DEPARTMENTAL COMMITTEE
ON SECURITY WITNESSES
Bufile 100-418105

DATE: October 3,
1955

b6	Rosen _____
b7C	Tamm _____
b7D	Sizoo _____
	Winterrowd _____
	Tele. Room _____
	Holloman _____
	Gandy _____

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-14-99 BY 60961 NIS/EP/DD

The minutes of the above Committee dated September 22, 1955, have been received and reviewed.

At this meeting summaries of derogatory information regarding [redacted] and [redacted] were reviewed. Clearance was given for [redacted] to be used as a witness, clearance of [redacted] being held in abeyance pending check to be made with Immigration and Naturalization Service.

The Committee received recommendations re employee security cases wherein Matusow, [redacted] had furnished information. The Committee reserved its decision pending review of information submitted.

The Committee cleared use as a witness.

ACTION:

Copies of the above-described minutes have been prepared for Bureau files of [redacted] and [redacted]

cc - L. V. Boardman
A. H. Belmont
F. J. Baumgardner
B. F. Rose

BFR : his
(5) his

RECORDED - 4 100-418105-85

EX-107

6 OCT 6 1955

601 3 E 551 69

64 OCT 13 1967

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: 10/6/55

FROM: SAC, Detroit [redacted]

b2

b7D

SUBJECT:

EX COMMUNISTS AS WITNESSES
COMMUNIST PARTY ATTEMPTS TO ASCERTAIN
IDENTITIES OF BUREAU INFORMANTS AND
POTENTIAL GOVERNMENT WITNESSES

Re SAC Letter 55-57 (N) dated 9/7/55.

This is to advise that all security informants of the Detroit Division have been contacted and appropriately advised and instructed with regards to the information set forth in re SAC Letter.

REGISTERED

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 10-14-99 BY 60267 NIS/EP/DD

LLA/AMR
(3)

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21 OCT 10 1955

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 OCT 15 1955
 FBI - DETROIT
 21 OCT 10 1955

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